

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46016 of 2026**

Arising Out of PS. Case No.-501 Year-2024 Thana- DHAKA District- East Champaran

Rupesh Kumar @ Andwa S/O Satrudhan Prasad Chaudhary @ Shatrughan Prasad @ Shatghan Prasad R/O Vill.- Islampur Tola, P.S.- Dhaka, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-07-2026      Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act and Sections 317(4), 317(5) and 3(5) of BNS.

3. The case of the prosecution is that from the possession of one Sheikh Nasir Alam, altogether 143.7 liters of nepali country made liquor on his bike was recovered. It is alleged that the petitioner along with other managed to flee from there and the apprehended accused persons named this petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of the petitioner. The witnesses of the seizure list are police personnel and police have not complied Section 105 of BNSS while preparing the seizure list. He has been named in this case as he is having criminal antecedent of sixteen cases. Moreover, he is languishing in judicial custody since 27.09.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Dhaka P.S. Case No. 501 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-3 East Champaran, Motihari with following conditions:-

(i) The petitioner shall cooperate in trial and shall remain physically present in the trial court on each and every fixed date.

(ii) One of the bailors should be close relative of the



petitioner.

(iii) Petitioner is also directed to mark his weekly attendance at Dhaka P.S.

(iv) Petitioner is also directed not to indulge himself in similar nature of offences in future.

7. Office is directed to communicate this order to the Superintendent of Police, Motihari (East Champaran).

**(Ashok Kumar Pandey, J)**

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