

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42193 of 2026

Arising Out of PS. Case No.-52 Year-2025 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

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Dhaka P.S. Case No. 52 of 2025 registered for the alleged offences under Sections 317(5) of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received secret information about transportation of illicit liquor on two motorcycles. The motorcycles were identified and three miscreants on these motorcycles started running away on seeing the police party and made good their escape. On search of the bags kept on the motorcycle, recovery of total 162 liters of



country made Nepali liquor was made. The local *Chowkidar* disclosed the name of the petitioner along with other co-accused who fled away while their motorcycles were being intercepted.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that no recovery has been made from the conscious possession of the petitioner and he has been implicated due to his criminal antecedent, as the petitioner is having antecedent of 16 cases mostly of similar nature. However, the petitioner is on bail in all such cases. The petitioner is in custody since 18.10.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds 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/court concerned in connection with Dhaka P.S. Case
No. 52 of 2025, subject to the conditions mentioned in Section
480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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