

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40820 of 2026

Arising Out of PS. Case No.-181 Year-2026 Thana- TURKAULIYA District- East
Champaran

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Rupesh Kumar S/o Late Fatinga Rai Son of Village - Laxmipur Kachahariya
Tola, P.S. - Raghunathpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Mr. Priyesh Kumar, learned counsel for the

petitioner and Mr. Navin Kumar Pandey, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
08.04.2026 in connection with Turkauliya P.S. Case No. 181 of
2026, F.I.R. dated 05.04.2026 for the offences punishable under
Sections 274, 275 and 3(5) of the BNS, 2023 and Sections
30(a), 30(b), 32(2), 32(3), 33, 36, 41(1) and 41(2) of the Bihar
Prohibition and Excise Act.

3. Recovery is of 1.280 liters of Spirit.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by the apprehended



co-accused namely, Rakesh Kumar. He further submits that except the aforesaid, nothing has come during investigation which suggest the involvement of the petitioner in the present occurrence and no incriminating article has been recovered from the possession of the petitioner rather the recovery has been made from the egg shop of the co-accused person. The petitioner is in custody since 08.04.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries 11 criminal antecedents other than the present one but fairly submits that he is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 181 of 2026 subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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