IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76017 of 2026

CNR No. BRHC011087372026

Arising Out of PS. Case No.-657 Year-2026 Thana- Excise P.S. District- Purnia

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1. Rupesh Kumar @ Rupesh Kumar Yadav S/O Rajkumar Yadav @ Tuntun Yadav R/O Vill.- Masuriya ward no. 18, P.S- Sarsi, District- Purnea. At present residing Babanbigha ward no. 01, Madhubani, P.S.- Madhubani, District- Purnea.
2. Shivam Kumar S/O Likendra Yadav R/O Vill.- Saraswati ward no. 01, P.S- Sarsi, District- Purnea. At present residing Babanbigha ward no. 01, Madhubani, P.S.- Madhubani, District- Purnea.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Avnish Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from the bushes near the house of the petitioners, altogether 61.500 liters of illicit foreign liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence.

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Learned counsel for the petitioners has submitted that nothing has been recovered from the possession of the petitioners. They have no concern with the alleged recovery. There is no independent witness of the seizure list rather they are police personnel and police have not complied Section 105 of BNSS while preparing the seizure list. Moreover, the petitioners are languishing in judicial custody since 24.09.2026.

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 petitioners on bail. The above named petitioners are directed to be released on bail in connection with Sadar Prohibition Excise Purnea P.S. Case No. 657 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise 02, Purnea.

(Ashok Kumar Pandey, J)

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