

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37873 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- BUXAR MUFFSIL District- Buxar

Shivam Kumar Thakur @ Shivam Thakur S/O Sunil Kumar Thakur @ Bulbul
Thakur R/O Civil Line Buxar, P.S.- Buxar Town, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Buxar
Muffasil P.S. Case No. 95 of 2025 instituted for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act and
Section 25(1-B)(a), 26 & 35 of the Arms Act.

3. Prosecution case in short is that there is recovery of
72 liters liquor from the Creta Car whereas 360 liters liquor was
recovered from a Truck. The police has also recovered two
country made pistols with two live cartridge from the Creta Car.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 13-05-2025. Petitioner
bears three criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that petitioner was not arrested on the spot. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused, namely, Gautam Kumar Rai. It is submitted that petitioner has no concern with the recovered arms and liquor. Learned counsel next submits that petitioner has no concern with the vehicles in question. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused have been granted bail by this Court vide order dated 03-04-2025, passed in Cr. Misc. No. 20184 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner 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 Court below/concerned Court in connection with Buxar Muffasil P.S.



Case No. 95 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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