

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43357 of 2025

Arising Out of PS. Case No.-528 Year-2020 Thana- SARAIYA District- Muzaffarpur

Shankar Rai @ Shankar Yadav S/o Jay Mangal Ray R/o Village- Narayanpur
Fakirana, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-07-2025 Heard Mr. Manoj Kumar, learned counsel for the

petitioner and Mr. Jai Narain Thakur, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.05.2025 in connection with Saraiya P.S. Case No. 528 of
2020, F.I.R. dated 12.08.2020 for the offences punishable under
Sections 272, 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 746.625 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather



the recovery has been made from the Bolero vehicle in question which was standing in front of the house of the co-accused, namely, Nawal Rai and the name of the petitioner transpired on the basis of disclosure made by local villagers and except the aforesaid, no other cogent material is available which suggest the involvement of the petitioner in the present occurrence and one of the co-accused person, namely, Sanjay Kumar @ Sanjay Sahni has been granted the privilege of bail by this Court vide order dated 11.03.2022 in Cr. Misc. No. 70188 of 2021 and other similarly situated co-accused persons have been granted the privilege of bail by different co-ordinate Benches of this Court. The petitioner is in custody since 26.05.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and similarly situated co-accused persons have been granted the privilege of bail, 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 Judge, Excise-II, Muzaffarpur in



connection with Saraiya P.S. Case No. 528 of 2020, 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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