

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69922 of 2025

Arising Out of PS. Case No.-295 Year-2025 Thana- BARUN District- Aurangabad

Shankar @ Shankar Dayal S/o Sanjay Sharma @ Sanjay Kumar R/o Village-
Pethari/Petarhi, P.S.- Jamhore, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barun
P.S. Case No. 295 of 2025, instituted for the offences punishable
under Sections 30(a), 33 and 36 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that 1560 liters
spirit was recovered from pick-up vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of spirit. Learned counsel



for the petitioner also submits that the petitioner is neither owner nor driver of the pick-up vehicle in question. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused person and the same has got no evidentiary value. The petitioner is in custody since 14.08.2025 and has got eight criminal antecedents in which he is on bail in five cases. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 05.08.2025 passed in Cr. Misc. No. 51716 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Barun P.S. Case No. 295 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)

Rajorshi/-

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