

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72688 of 2025

Arising Out of PS. Case No.-260 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

Shankar Kumar S/o Kapil Yadav R/o Village- Sukhdeochak, P.S.- Mohanpur,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anunay Shahi, Advocate
		Mr. Sudeep Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Excise Sherghati P.S. Case No. 260 of 2025 registered for the alleged offences under Sections 309a), 32(3), 44 and 48 of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, on receipt of information about transportation of illicit liquor by a three wheeler, the police put blockade in the area. The vehicle in question was signaled to stop and a child in conflict with the law was arrested. From the said vehicle, recovery of 96.50 liters of India made foreign liquor was made. The apprehended co-accused disclosed the name of the petitioner who had been doing the work of liner.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner, who was apprehended merely on suspicion on the basis of confessional statement of co-accused child conflict with the law. The petitioner is having antecedent of two cases and is in custody since 26.08.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there is no allegation of carrying any illicit liquor against the petitioner and further considering period of custody of the petitioner, he is directed to 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 learned Exclusive Special Excise Judge-III, Gaya/court concerned in connection with Excise Sherghati P.S. Case No. 260 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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