

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82526 of 2025

Arising Out of PS. Case No.-228 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Shashi Kumar @ Pachkhuriya S/O Ram Udesb Mahto @ Ram Videsb Mahto
R/O Village - Virsahiya, P.S.- Bibhutipur, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr.Kumar Praveen, Advocate
For the Opposite Party/s :		Mr.Shailendra Kumar, APP

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

ORAL ORDER

2 02-12-2025 The matter has been listed under the heading ‘To Be Mentioned’ at the instance of the petitioner praying for early hearing of the matter on the ground of severe illness of the petitioner.

2. Heard learned senior counsel for the petitioner and learned APP for the State.

3. The petitioner seeks bail in Bibhutipur P.S. case No. 228 of 2025 instituted for the offences under Sections 30(a), 32(2), 41(1)(2) of the Bihar Prohibition and Excise Act and Sections 25(1-b)a, 26, 35 of the Arms Act.

4. The prosecution case, in short, is that 1103.250 liters liquor was recovered from the godown of co-accused.

5. 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 liquor. The name of the petitioner has transpired on the basis of disclosure made by co-accused, namely, Pankaj Singh. It is further submitted that recovery is made from the godown of the co-accused Pankaj Singh. The petitioner has got no concern with the godown in question. The petitioner is in custody since 31.10.2025 and has got five criminal antecedents. There is no compliance of Section 103 of B.N.S.S., 2023. Similarly situated co-accused have been granted anticipatory bail by a Coordinate Bench vide orders dated 04.08.2025 and 15.10.2025 passed in passed in Cr. Misc. Nos. 52162 of 2025 and 53393 of 2025 respectively.

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 and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties



of the like amount each to the satisfaction of Court below/concerned Court in connection with Bibhutipur P.S. case No. 228 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.

(III) The petitioner will not hamper the trial or temper with any prosecution evidence. If he is found involved in such incidence, the prosecution shall have liberty to take steps for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

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