

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4249 of 2026

Arising Out of PS. Case No.-268 Year-2025 Thana- BIBHUTIPUR District- Samastipur

1. Shubham Kumar @ Manu S/O Late Sita Ram Singh R/O Village- Patailiya, P.S- Bibhutipur, Distt.- Samastipur.
2. Raushan Kumar @ Roshan Kumar S/O Naresh Mahto R/O Village- Patailiya, P.S- Bibhutipur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Bibhutipur P.S. case No. 268 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 108 liters liquor was recovered from bridge.

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



further submitted that recovery has been made from an open place accessible to public at large. The petitioners are in custody since 12.11.2025. The petitioner No. 1 has got 13 antecedent whereas petitioner No. 2 has got one criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. The petitioner No. 1 has got 13 criminal antecedent, hence, he may not be released on bail.

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

7. Let the petitioners be released on bail *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bibhutipur P.S. case No. 268 of 2025, subject to the following conditions:

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

(II) The petitioners 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 petitioners.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

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