

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9489 of 2026

Arising Out of PS. Case No.-194 Year-2025 Thana- SANGRAMPUR District- Munger

Shiba Karmkar S/o Alaka Kamkar @ Alaka Kamkar @ Alok Karmkar
Resident of village- Shankar nagar Barmisiya, P.S.- Dhansar, Distt.- Dhanbad
(Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
: Mr. Hemant Ray, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.12.2025 in connection with Sangrampur P.S. Case No. 194 of 2025 for the offences punishable under Sections 317(5) and 3(5) of BNS and Sections 30(a) and 32 of Bihar Prohibition and Excise Amendment Act.

3. The prosecution story, in brief, that on 15.12.2025, at about 13:00 P.M., the informant, P.S.I., Binod Kumar Jha, recorded his self statement at Sangrampur P.S., alleging therein that on 14.12.2025 at about 09:30 P.M., on the basis of secret information, one P.S.I. of Sangrampur P.S. (informant) along with police party reached near Ambedkar Chowk and started



checking vehicles. After some time, police stopped the ten wheeler vehicle (Registration No. BR52G9009), But driver didn't stop the vehicle & tried to flee away. After chasing the informant, Near Lohachi driver stopped the vehicle & caught by the police party. He revealed his name as Shiba Karmkar (petitioner). In the course of search of the vehicle total 4617 liters of illegal foreign liquor, Samsung mobile & Rs. 3000/- were recovered. On interrogation they further disclosed that they were going to deliver the liquor to Mantu. Accordingly, seizure list was prepared and recovered liquor, vehicle, mobile were seized, Later on FIR was lodged at the police station.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner or from the truck in question and altogether 4617 liters of illegal foreign liquor was recovered. It is next submitted that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and police after investigation has submitted charge-sheet and petitioner in custody since 16.12.2025.



5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and that petitioner has clean antecedent and the fact that nothing has been recovered from the conscious physical possession of the petitioner, 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 Excise-II, Munger in connection with Sangrampur P.S. Case No. 194 of 2025, 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 canceled 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)

Gaurav Sinha/-

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