

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16781 of 2026

Arising Out of PS. Case No.-31 Year-2026 Thana- Excise P.S. District- Siwan

Shivam Kumar @ Shivam Kumar Yadav S/o Jitendra Yadav R/o Village-
Mairwa, Ward no-13, P.S.- Mairwa, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2026 Heard Mr. Raghav Prasad, learned counsel for the

petitioner and Mr. Damodar Prasad Tiwary, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.01.2026 in connection with Siwan (Excise) P.S. Case No. 31
of 2026, F.I.R. dated 12.01.2023 for the offences punishable
under Sections 30(a) and 47 of the Bihar Prohibition and Excise
Act.

3. Recovery is of 839.400 liters of Indian made foreign
liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been



recovered from the conscious possession of the petitioner rather the recovery has been made from the Hyundai Creta Car in question. He further submits that the petitioner is neither the owner nor the driver of the said vehicle in question. There is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 14.01.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, he is neither the owner nor the driver of the vehicle in question and there is non-compliance of Section 103/105 of the BNSS, 2023, 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 Court-2, Siwan in connection with Siwan (Excise) P.S. Case No. 31 of 2026, 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 cancelled 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)

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