

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25280 of 2026

Arising Out of PS. Case No.-86 Year-2026 Thana- DIGHA District- Patna

Shiv Prasad Kumar son of Muni Rai @ Munnilal Yadav Resident of Village-
Jafrabad, P.S -Rustampur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shams Akhtar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2026 Heard Mr. Shams Akhtar, learned counsel for the

petitioner and Mr. Lakshmi Kant Sharma, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.02.2026 in connection with Digha P.S. Case No. 86 of 2026,
F.I.R. dated 01.02.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amended)
Act, 2022.

3. Recovery is of 2000 liters of country made 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 boat in question and petitioner has been made accused merely on the basis of suspicion. He further submits that the similarly situated co-accused, namely, Kishan Kumar has been granted bail by this Court vide order dated 24.03.2026 passed in Cr. Misc. No. 18349 of 2026 and another co-accused, namely, Santosh Mahto has been granted bail by this Court vide order dated 25.03.2026 passed in Cr. Misc. No. 19101 of 2026. The petitioner is in custody since 01.02.2026.

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

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner, petitioner has clean antecedent and other accused persons have been granted bail by this Court, 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 Special Judge Excise-2, Patna in connection with Digha P.S. Case No. 86 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)

Vanisha/-

U		T	
---	--	---	--

