

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28606 of 2026

Arising Out of PS. Case No.-77 Year-2026 Thana- SONBERSA District- Sitamarhi

Shivshankar Kumar Son of Raj Kumar Sah Resident of Village - Rupauli
Ward No. 07, P.S.- Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 07-07-2026 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. Learned counsel for the petitioner submits that the case was taken up on 3-7-2026, when regular bail was granted to the petitioner but the order dated 3-7-2026 inadvertently records that petitioner has been enlarged on provisional anticipatory bail, thus learned counsel for the petitioner submits that the order dated 3-7-2026 be recalled and the case of the petitioner be considered on merits for regular bail.

3. In view of the submission made by learned counsel for the petitioner, the order dated 3-7-2026 is recalled.

4. Learned counsel for the petitioner next submits that petitioner seeks bail in a case registered for the offences punishable under Section 111 of the BNS as well as Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act,



2022

5. Learned counsel for the petitioner submits that petitioner has antecedent of four cases under the Excise Act and allegation is of recovery of 270 litres of liquor from a car. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not the owner of the seized vehicle and came to be implicated based on the confessional statement of Shiv Shankar Kumar in police custody which does not have any evidentiary value in the eye of law. It is next submitted that once an accused is implicated in a case relating to excise the police starts implicating mechanically either at the instance of the Chawkidar, local person, confessional statement or secret information without holding a proper investigation of the case. It is also submitted that petitioner is in custody since 15-3-2026.

6. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. Considering the submission made by learned counsel for the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is



pending/successor court in connection with Sonbersa P.S. Case
No. 77 of 2026.

(Satyavrat Verma, J)

Sumit/-

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