

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32631 of 2026

Arising Out of PS. Case No.-9 Year-2026 Thana- BHAIKAVSHTHAN District- Madhubani

Shivam Thakur S/o- Bibhu Thakur R/o - Bhatsimar, P.S - Rajnagar, District -
Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 13-05-2026 Heard Mr. Sanjay Kumar Jha, learned counsel for
the petitioner and Ms. Pushpa Sinha.1, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
30.03.2026 in connection with Bhairavsthan P.S. Case No. 09 of
2026, F.I.R. dated 10.01.2026 for the offences punishable under
Section 274, 275 and 3(5) of the Bharatiya Nyay Sanhita, 2023
and 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 1665 liters of Saurabh Saunfi Nepali
country-made liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent 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 vehicle in question and the petitioner is not the owner of the vehicle in question He further submits that there is non-compliance of Section 103 and 105 of BNSS and the petitioner is in custody since 30.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matters.

6. Considering the aforesaid facts and circumstances, 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 Judge Excise Act, Jhanjharpur, Madhubani in connection with Bhairavsthan P.S. Case No. 09 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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