

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35302 of 2026

Arising Out of PS. Case No.-140 Year-2026 Thana- Kavaiya District- Lakhisarai

1. Shivam Kumar Son of Vijay Saw Resident of Village- Bannubagicha Near School, P.S.- Bannubagicha, District- Lakhisarai.
2. Nitish Kumar Son of Umesh Yadav Resident of Village- Sitarampur, P.S.- Suryagarha, District- Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

2 21-05-2026 The matter was heard *via* video conferencing mode.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners seek bail in connection with Kabaiya P.S. Case No. 140 of 2026 registered for the offences punishable under Sections 30(a) and 32(iii) of the Bihar Prohibition and Excise Act.

4. As per the prosecution case, total 90 litres of illicit country made liquor was recovered from a sack kept on a motorcycle.

5. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in



the present case merely on the basis of suspicion. Petitioners have no concern either with the allegedly recovered liquor or with the motorcycle in question. Learned counsel lastly submits that petitioners have clean antecedent and they are in custody since 26.03.2026.

6. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case and also considering petitioners' clean antecedent and their period of custody, this Court is inclined to grant bail to the petitioners.

8. Accordingly, let the petitioners, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned District & Additional Sessions Judge-IV-cum-Special Excise Court-I, Lakhisarai, in connection with Kabaiya P.S. Case No. 140 of 2026.

9. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observation



shall not be construed as an expression on the merits of the case
and shall not influence the trial or any other proceedings in any
manner.

(Ansul, J)

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