

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36390 of 2026

Arising Out of PS. Case No.-146 Year-2026 Thana- PHULPARAS District- Madhubani

Shiv Shankar Kumar Yadav @ Shivshankar Kumar Yadav Son of Kushe
Yadav @ Kusheshwar Yadav Resident of village - Inarwa, P.S.- Phulparas,
District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 10-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 30(a), 38(1) and 41(1) of
the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 3229.65 litres of
foreign liquor was recovered from a tanker.

4. Learned counsel for the petitioner submits that the
petitioner is neither the driver nor the owner of the said tanker.
There is no independent witness and nor any audio, video was
recorded to the process of search and seizure, as such,
mandatory provisions have been violated. There is no recovery
from personal or conscious possession of the petitioner.
Further, other similarly situated co-accused persons have been



granted the privilege of bail by Co-ordinate Benches of this Court vide orders dated 20.05.2026, 21.05.2026, 08.06.2026 passed in Cr. Misc. No.34922 of 2026, Cr. Misc. No.35171 of 2026 and Cr. Misc. No.36056 of 2026 respectively. The petitioner has no criminal antecedent and is in custody since 11.04.2026.

5. Learned APP for the State opposed the grant of bail on the basis of allegations made in the First Information Report.

6. Taking into consideration the facts and circumstances and considering the fact that the mandatory provisions of search and seizure have been violated and similarly situated co-accused persons have been granted the privilege of bail, let the above named petitioner, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise, Jhanjharpur, District-Madhubani/concerned Court below in connection with Phulparas P.S. Case No. 146 of 2026.

(Soni Shrivastava, J)

anand/-

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