

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45288 of 2026

Arising Out of PS. Case No.-215 Year-2026 Thana- MOTIHARI MUFASIL District- East
Champaran

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Shambhu Prasad @ Shambhu Prasad Kushwaha S/o Asharfi Prasad Resident
of Village- Godhwa, P.S.- Motihari Muffasil, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that from the possession of six co-accused persons, altogether 81 liters of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of the petitioner. He was not apprehended on spot and his name has come on the basis of confessional statement of co-accused persons who were apprehended. Recovery, if any, has been made from the possession



of co-accused persons. Learned counsel has submitted that as he was present there, he was apprehended by police. The witnesses of the seizure list are police personnel and police has not complied Section 105 of BNSS while preparing seizure list. Moreover, he is languishing in judicial custody since 02.05.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that petitioner is having criminal antecedent of seven cases out of which, four are of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Motihari Muffasil P.S. Case No. 215 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, East Champaran, Motihari **with a condition that the petitioner shall not indulge in similar nature of offences in future.**

(Ashok Kumar Pandey, J)

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