

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48768 of 2026

Arising Out of PS. Case No.-355 Year-2026 Thana- ARA NAGAR District- Bhojpur

Shubham Kumar S/O Shiv Kumar Singh Resident of Village- Shivganj,
Police Station- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 22-07-2026 Heard Mr. Akash Kumar Mishra, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Sharma, learned APP for the State.

2. The present application has been filed on behalf of
the petitioner for grant of regular bail in connection with Ara
Town P.S. Case No. 355 of 2026, for the offence punishable
under section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is a recovery of
70 litres of illicit country made liquor from the motorcycle.
Admittedly, the petitioner is not the owner of the seized
motorcycle rather he is rider.

4. Learned counsel for the petitioner submitted that
the petitioner is innocent and has falsely been implicated in the
present case due to ulterior motive and high handedness of



police party. It has further been submitted that petitioner has not committed any offence as alleged in the FIR and no incriminating article has been recovered from the conscious possession of the petitioner neither the alleged seized liquor belong to the petitioner nor he is engaged in trading of illegal liquor. There is complete violation of section 103 of BNSS and also section 105 of BNSS. Petitioner has clean antecedent and he is in custody since 26.05.2026.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Bhojpur, Ara/concerned court in connection with Ara Town P.S. Case No. 355 of 2026, subject to following conditions:-

(i) One of the bailors should be family member of the petitioner.

(ii) Petitioner will co-operate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be



physically present by the court, he should physically appear in the Court on that date.

(iii) 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.

(Kumar Manish, J)

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