IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.76862 of 2026

CNR No. BRHC011115292026

Arising Out of PS. Case No.-308 Year-2026 Thana- MADHUBAN District- East Champaran

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Shivshankar Kumar, S/o Umesh Sahani, Resident of village - Kauriya More, P.S.- Madhuban, Distt.- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail in connection with Madhuban P.S. Case No. 308 of 2026, lodged on 13.09.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total recovery of 69.750 litres of foreign liquor has been made, which is the subject of the present case.

4. Learned counsel for the petitioner submits that the

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petitioner is innocent and has committed no offence. Counsel submits that petitioner's name has figured in this case only on the basis of suspicion. Learned Counsel for the petitioner submits that nothing incriminating has been recovered from the conscious possession of the petitioner. He submits that the alleged recovery has been made from a place which is accessible to public at large. Learned Counsel for the petitioner submits that petitioner is in custody since 14.09.2026 having clean antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that nothing has been recovered from the petitioner's possession and antecedent of the petitioner is clean.

6. As such, in the present facts and circumstances of this case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Exclusive Special Excise Court No.- 3, East Champaran at Motihari, in connection with Madhuban P.S. Case No. 308 of 2026, subject to the conditions as laid down U/s. 480(3) of the BNSS, 2023 with further conditions that:

i. One of the bailors should be the family member of

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the petitioner who shall provide official document to show his/her *bona fide;* and

ii. The petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bonds by the Trial Court itself.

(Dr. Anshuman, J)

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