

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83981 of 2025

Arising Out of PS. Case No.-228 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Shubham Kumar @ Manu S/O Late Sita Ram Singh R/O Village- Patailiya,
P.S.- Bibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in Bibhutipur P.S. case No. 228 of 2025 instituted for the offences under Sections 30(a), 32(2), 41(1) and 41(2) of the Bihar Prohibition and Excise Act and Sections 25(1-B)a, 26 and 35 of the Arms Act. Earlier, the petitioner has filed an application for grant of anticipatory bail which was rejected by order dated 14.11.2025 passed in Cr. Misc. No. 62125 of 2025 by a Coordinate Bench of this Court.

3. The prosecution case, in short, is that 1103.25 liters liquor was recovered from truck, one country made pistol, four magazines and eight live cartridges have been recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that arms have been recovered from the house of co-accused. The petitioner is not the owner of the vehicle in question. The name of the petitioner has transpired in course of investigation on the basis of confessional statement of co-accused which has no evidentiary value. The petitioner is in custody since 31.10.2025 and has got thirteen criminal antecedent and he is in bail in all the cases as stated in paragraph No. 3 of the bail application . There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. The petitioner has thirteen criminal antecedents, hence, he does not deserve bail.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed***, on furnishing bail bonds of



Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bibhutipur P.S. case No. 228 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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