

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.108 of 2026

Arising Out of PS. Case No.-153 Year-2025 Thana- PARBATTa District- Bhagalpur

Shiv Kumar Mahato @ Shiv Singh Son of Choota Roopan Singh @ Rupan Singh Resident of Village/ Mohala- Raghapur, P.S.- Parbatta, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Parbatta P.S. Case No. 153 of 2025 instituted for the offences punishable under Sections 191(2), 190(2), 115(2), 324(4), 109(1), 132, 262, 263(a), 121(1), 352 of the Bharatiya Nyaya Sanhita, 2023 and 30(a), 45 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 2.5 litres of liquor has been recovered from plastic bottle. It is further alleged that accused persons also assaulted the police party.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious



possession of the petitioner rather the recovery has been made from an open place which is accessible to public at large. The petitioner has got no concern with the alleged recovery of liquor. There is no specific allegation of assaulting the police party against the petitioner. The petitioner is in custody since 16.10.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also 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 on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parbatta P.S. Case No. 153 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.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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