

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67092 of 2024**

Arising Out of PS. Case No.-368 Year-2023 Thana- MIRGANJ District- Gopalganj

Surat Prasad @ Sonu @ Sonu Kumar @ Surat Son of Anirudh Sah @  
Anurudh Shah Resident of Village - Line Bazar, P.S. - Mirganj, District -  
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      16-12-2024                      Heard Mr. Pankaj Kumar Dubey, learned counsel  
for the Petitioner and Mr. Shyam Bihari Singh, learned APP for  
the State.

2. The petitioner apprehends his arrest in connection  
with Mirganj P.S. Case No. 368 of 2023 dated 27.09.2023  
registered for the offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise Act.

3. As per the prosecution story, on 27.09.2023 at 4:30  
P.M., the informant along with the other police personnel were  
on patrolling duty and when the police party reached at line  
bazar, on seeing the police party, a motorcycle rider threw two  
gunny bags containing 56.800 litres country made liquor and  
fled away and the nearby people standing there, disclosed the



name of the accused as Surat Prasad @ Sonu (petitioner).

4. The main submissions advanced by the learned counsel appearing for the petitioner are that the instant matter relates to the recovery of 56.800 litres of country made liquor but the same was not recovered from the conscious possession of the petitioner and as per the prosecution, upon seeing the police party, a motorcycle rider threw two gunny bags containing 56.800 litres country made liquor, and fled away and the nearby people standing there, disclosed the name of the petitioner as being involved in the smuggling of the alleged liquor but the details of the specific person who disclosed the name of the petitioner, is not revealed by the informant in the FIR and the petitioner has been falsely implicated in this case and no compliance of section 100 of the Cr.P.C. has been made during search and seizure.

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

6. Heard both the sides and perused the FIR and the order impugned. The petitioner is named in the FIR and against him, there are criminal antecedents of three cases out of them two relate to the similar nature of the offence, this Court is not persuaded to form the opinion that the alleged offence under



Section 30(a) of the Bihar Prohibiton and Excise Act does not even prima-facie attract against this petitioner, so, in view of the provision of section 76(2) of the Bihar Prohibition and Excise Act, this Court finds the petitioner’s present prayer to be not maintainable, accordingly, his prayer stands rejected.

7. Petitioner is given a liberty to surrender before the trial court, if he surrenders within twenty days from today, then the learned trial court will decide his regular bail prayer at the earliest without being prejudiced with this order.

**(Shailendra Singh, J)**

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