

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13723 of 2025

Arising Out of PS. Case No.-320 Year-2023 Thana- SONO District- Jamui

SURENDRA MURMU S/o- Mangar Murmu Village- Salaiya Ps- Sono Dist-
Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh, Adv.
For the State : Mr. Tarun Prasad Mandal, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The recovery of total 5 litres of country made mahua liquor has been shown from a motorcycle which was found near bushes.

4. Learned counsel for the petitioner submits that the allegation levelled against the petitioner is totally incorrect. No recovery was made from his physical and conscious possession. His name has transpired in the present case on account of the fact that he is the owner of the seized



motorcycle. Learned counsel for the petitioner further submits that the seized liquor had been planted on the said motorcycle as he could not fulfill the illegal gratification asked by police. The further submission is that the process of search and seizure also amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. It is next submitted that the petitioner will neither abscond nor tamper with the evidence rather will cooperate in the investigation.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the fact that there is no recovery from physical and conscious possession of the petitioner and also that there is no independent witness to the said seizure/search, I am inclined to grant the privilege of anticipatory bail to the petitioner who has no criminal antecedent. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court II, Jamui in connection with Sono P.S. Case No. 320 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023



and also subject to the further conditions that

i) One of the bailors will be family members or own close relatives of the petitioner who will give an affidavit genealogy as to how he is related to the petitioner.

ii) The petitioner shall co-operate in the trial and also in the process of investigation.

iii) The learned Court below would verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

divyanshi/-

U		T	
---	--	---	--

