

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35410 of 2025

Arising out of PS. Case No.-100 Year-2025 Thana- AMNAUR District- Saran

Suraj Kumar S/o Dashrath Mahto R/o Vill Masti Chowk PS Parsa (Amnour)
Distt Saran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s: Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 30(a), 33, 34 and 37 of the Bihar Prohibition and Excise Act, 2016. He has no criminal antecedents.

3. As per the prosecution case, the police party conducted a raid against liquor traders. They came to know that four persons were carrying liquor in a white coloured pickup vehicle. It is further alleged that on seeing the police the four persons tried to flee, among whom three persons escaped and one was apprehended who disclosed his name as Suraj Kumar (the Petitioner) and then he disclosed the names of other three accused persons who had fled away. Upon further enquiry, the apprehended accused disclosed that he had brought the vehicle



from two local dealers namely Surendra Mahto and Ravan Manjhi. On search, total 640 litres of spirit like substance was found filled in the sixteen blue coloured gallons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case at the behest of the police as he was the only person apprehended. It is further submitted that the petitioner was driver of the said vehicle and the seized liquor has been recovered from the vehicle and not from his conscious physical possession and moreover the police had not followed the procedures laid down under the law while preparing the seizure list. It is also submitted by learned counsel for the petitioner that Co-accused Surendra Mahto has been granted bail by this Court *vide* order dated 02.07.2025 passed in Cr. Misc. No. 35042 of 2025. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 17.04.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and also considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I/Court concerned, Saran at Chapra in connection with Amnour P.S. Case No. 100 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioner, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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