

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35042 of 2025

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

Surendra Mahto @ Surendar Mahato S/o- Late Jitan Mahato Village- Amnour
Dih Ps- Amnour Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Wasi Mohammad, Advocate

For the Opposite Party/s : Mr.Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences under Sections 30(a), 33, 34 and 47 of Bihar Prohibition and Excise Act.

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 and then he disclosed the names of other three accused persons who had fled away. Upon further enquiry, the apprehended accused disclosed that they had brought the liquor from two



local liquor dealers namely Surendra Mahato (petitioner) and Ravan Manjhi. On search, total 640 liters 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 named accused person and on the instigation of the police as he carries five criminal cases of similar nature. It is next submitted that the petitioner was neither apprehended with the seized liquor nor any incriminating article has been recovered from his conscious physical possession and moreover, the police had not followed the procedures laid under the law while preparing the seizure list. It is lastly submitted that the petitioner has five criminal antecedents and is in custody since 07.05.2025. Learned counsel for the petitioner undertakes to deposit a fine of Rs. 10,000/- in the account of Advocate Association of the Patna High Court.

5. Learned APP 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, let the petitioner above- named, be enlarged on bail, on deposition of a sum of Rs. 10,000/- in the account of



Advocate Association of the Patna High Court and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail- bond and thereafter on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Saran at Chapra, in connection with Amnour P.S. Case No. 100/2025, subject to the following conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.
- d. 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 cancelled by the court concerned.
- e. 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 aforementioned order shall not be delayed for purpose of or in the name of verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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