

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47623 of 2025

Arising Out of PS. Case No.-510 Year-2023 Thana- CHHATAUNI District- East Champaran

Suraj Sah @ Suraj Saha @ Suraj Kumar Sah S/o- Late Lakhan Saha @
Lakhan Sah Village- Bangali Colony Gali -4, Ps- Chhatauni Dist- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Chhatauni P.S. Case
No. 510 of 2023, instituted for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 21 liters
liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case merely
on the basis of his criminal antecedents. No incriminating
material has been recovered from the conscious possession of
the petitioner. The house from where the illicit liquor was
recovered is a joint family property and, as such, it cannot be



said with certainty that it was the petitioner who had kept the liquor in the house. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 21.05.2025 and has got ten criminal antecedents in which the petitioner is on bail in two cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.01.2024 passed in Cr. Misc. No. 84349 of 2023. Co-accused Munna Sah has also been granted bail by this Court vide order dated 06.03.2024 passed in Cr. Misc. No. 16070 of 2024. There is no compliance of Section 103 of the B.N.S.S.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has ten criminal antecedents.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court



in connection with Chhatauni P.S. Case No. 510 of 2023, 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.

(Rudra Prakash Mishra, J)

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