

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54732 of 2025

Arising Out of PS. Case No.-33 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Surendra Kumar Sah S/O Bhola Sah R/O Village- Madarpur, P.S.- Naviganj,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

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

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends arrest in connection with

Baikunthpur P.S. Case No. 33 of 2024, registered under Sections

30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 985 liters of

illegal spirit was recovered from one pick-up vehicle and two

motorcycles.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case. The petitioner has got no concern with the alleged

recovery of spirit. Learned counsel for the petitioner also



submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case as being owner of the pick-up vehicle in question and he has got no knowledge with regard to the nature of goods transported in his vehicle. Learned counsel for the petitioner, therefore, contends that *prima-facie*, no case is made out against the petitioner. The petitioner has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 19.04.2024 passed in Cr. Misc. No. 28590 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baikunthpur P.S. Case No. 33 of 2024, subject to the conditions as laid down



under Section 482(2) of the Bharatiya Nagarik Suraksha
Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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