

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79447 of 2025

Arising Out of PS. Case No.-111 Year-2019 Thana- SAHIYARA District- Sitamarhi

Suraj Kumar S/O Raj Kishor Mahto R/O Village- Matiar Khurd @ Matiyar
Khurd, P.S. -Sahiyara, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Abhay Kumar, APP

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

ORAL ORDER

2 24-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sahiyara P.S. Case No. 111/2019, instituted for the offences punishable under Sections 272, 273, 188 IPC and Section 30, 30(a) of the Bihar Prohibition and Excise Act.

3. Earlier vide order dated 03.12.2021 passed in Cr. Misc. No. 14389 of 2021 anticipatory bail of the petitioner was dismissed as not maintainable by a Co-ordinate Bench of this Court.

4. The prosecution case, in short, is that 720 liters of Nepali liquor was recovered from Haystack.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner submits that the recovery is made from an open place, which is accessible to one and all. It is also submitted that apprehended co-accused disclosed the name of the petitioner. The petitioner is in custody since 04.11.2025 and has got one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, 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 Sahiyara P.S. Case No. 111/2019, 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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