

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80103 of 2025

Arising Out of PS. Case No.-356 Year-2025 Thana- DARIYAPUR District- Saran

Suraj Kumar Rai, S/o Chandrika Rai, R/V Hasanpur, P.S- Nayagaon, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar Singh, Advocate.

For the State : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Dariyapur P.S. Case No. 356 of 2025 dated 18.06.2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 40 litres of illicit liquor as well as 1200 litres of semi made liquor were recovered from an open field situated outside the village and two co-accused Shashikant Giri and Ramesh Nat were apprehended by the Police on the spot of the recovery. However, as per further Police Case, one person had fled away and as per the confessional statement of the co-accused arrested there, the person who fled away is the petitioner.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that there is no recovery made either from personal possession of the petitioner or from his house. His name has transpired only in the confessional statement of co-accused which has no evidentiary value and no *prima facie* case is made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering that the *prima facie* case is not made out against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in



connection with Dariyapur P.S. Case No. 356 of 2025 subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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