

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16983 of 2026

Arising Out of PS. Case No.-390 Year-2025 Thana- DORIGANJ District- Saran

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Suraj Nut S/o- Sharwan Nut R/v- Musepur Nut Toli Ps- Doriganjh Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Doriganj P.S. Case No. 390 of 2025, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per allegation, 25 liters of illicit country-made liquor was recovered from embankment of a pond near the house of the petitioner.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. Nothing has been recovered from his conscious physical possession. The entire allegations are false and fabricated.

5. On the other hand, the learned APP for the State has



opposed the prayer for bail.

6. Although the petitioner has two criminal antecedents, from perusal of the record, it appears that the petitioner was not apprehended on the spot and therefore no recovery has been made from his conscious possession physical possession. His name has surfaced on the basis of confessional statement of local *chowkidar*. It is also to be noted that the country-made liquor has been recovered from the embankment of a pond near the house of the petitioner, but not from the petitioner. It is further important to take note of the fact that the search and seizure memo does not bear the signature of two independent witnesses, which puts a question mark on the legality and validity of the seizure itself. Under these circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, Saran at Chapra in connection with Doriganj P.S. Case No. 390 of 2025, subject to the conditions laid down under section



438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) The petitioner shall co-operate in the investigation/ trial.

(ii) The learned Court below would, however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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