

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40914 of 2026

Arising Out of PS. Case No.-757 Year-2025 Thana- MADHAURAH District- Saran

Suresh Nut @ Suresh Nat S/O Bhola Nut @ Nanhi Nut R/O Village-
Olhanpur, PS- Marhworah, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanshu Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.05.2026 in connection with Marhworah P.S. Case No. 757 of
2025 for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act 2022.

3. According to prosecution case as per the written
complaint of informant Arun Kumar, who is posted as an ASI in
Marwaroh Police Station Saran, is that on 16.11.2025 at around
02:00 PM, while patrolling they got a secret information that
Lalbabu Nut and Suresh Nut were selling illegal liquor in the
front of the house of Lalbabu Nut. Thereafter upon informing
the superior officials the informant along with police party
reached at the house of Lalbabu Nut and started searching.



Meanwhile they have seen two person carrying plastic gallon has left that gallon and fled away. Upon inquiry the local Chowkidar have disclosed the name of absconder as Lalbabu Nut and Suresh Nut (Petitioner herein). Thereafter the police party has searched the plastic gallon and found 20-20 liter of country made liquor from the gallon left by Lalbabu Nut and Suresh Nut. Total recovered quantity was 40 Liters of illicit country made liquor.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case on the basis of disclosure made by apprehended co-accused person, namely, Lalbabu Nut. It is next submitted that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the place of occurrence. It is next submitted that petitioner has no role at all in the present occurrence and he has been made an accused in this case on the basis of disclosure made by local chowkidar who has seen the petitioner escaping from the place of occurrence. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023



and petitioners are in custody since 05.05.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of one case other than the present case but fairly submits that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Marhowrah P.S. Case No. 757 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

U		T	
---	--	---	--

