

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65234 of 2022**

Arising Out of PS. Case No.-225 Year-2022 Thana- BENIPATTI District- Madhubani

Suraj Kumar Paswan Son of Ram Sogarath Paswan Resident of Mohalla -  
Kathalbari, P.S.- University, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 66346 of 2022**

Arising Out of PS. Case No.-225 Year-2022 Thana- BENIPATTI District- Madhubani

Mithilesh Paswan Son Of Shashi Paswan R/O Vill.- Laxmisagar (Under Over  
Bridge), P.S.- University, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
**CRIMINAL MISCELLANEOUS No. 67565 of 2022**

Arising Out of PS. Case No.-225 Year-2022 Thana- BENIPATTI District- Madhubani

Kanhaiya Kumar Mahaseth Son of Ajay Mahaseth Resident of Mohalla-  
Kathalwari P.S- L.N.M. University, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 65234 of 2022)  
For the Petitioner/s : Mr. Girish Chandra Jha  
For the Opposite Party/s : Mr. Madan Kumar  
(In CRIMINAL MISCELLANEOUS No. 66346 of 2022)  
For the Petitioner/s : Mr. Girish Chandra Jha  
For the Opposite Party/s : Mr. Madan Kumar  
(In CRIMINAL MISCELLANEOUS No. 67565 of 2022)  
For the Petitioner/s : Mr. Baidya Nath Prasad  
For the Opposite Party/s : Mr. Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**



ORAL ORDER

2      23-12-2022                      Heard Ld. counsel for the petitioners and Ld. APP  
for the State.

The petitioners seek bail in connection with G.R. No. 1455 of 2022, arising out of Benipatti P.S. Case No. 225 of 2022 registered for the offences punishable under Section 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 180 litres of Nepali Liquor was recovered from Vehicles.

The Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners.

The petitioners have been languishing in jail since 20.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners, namely, Suraj Paswan and



Mithilesh Paswan have earlier been made accused in one more case respectively, whereas petitioner, namely, Kanhaiya Kumar Mahaseth has further been stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedents.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Addl. Sessions Judge II-cum-Spl. Judge Excise Act, Madhubani in connection with G.R. No. 1455 of 2022, arising out of Benipatti P.S. Case No. 225 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that



investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, the Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the Ld. court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The Ld. counsel for the petitioners is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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