

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62177 of 2023

Arising Out of PS. Case No.-156 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Gunjan Mahaseth S/O Ganesh Mahaseth R/O Mohalla- Ruhelaganj, P.S- L.N
Mithila University, Distt.- Darbhanga (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramendra Kumar Bharti,Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
03.06.2023 in connection with L.N.M.U.P.S.Case No. 156 of
2023, F.I.R. dated 30.05.2023 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
Act, 2016.

3. Recovery is of 142 liters and 500 ML of illicit
liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case merely on the basis of suspicion. Further submits
that nothing has been recovered from conscious possession of



the petitioner rather the recovery has been made from the open field and as per allegation in the FIR the petitioner has fled away from the place of occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.06.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits that out of two cases, the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, 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 learned Special Judge Excise-II, Darbhanga in connection with L.N.M.U.P.S.Case No. 156 of 2023, with 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/her absence on two consecutive dates without sufficient



reason, his/her 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)

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