

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33677 of 2025

Arising out of PS. Case No.-156 Year-2025 Thana- SURSAND District- Sitamarhi

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Gulshan Kumar S/o Ram Sagar Das R/o Village- Raypur, P.S.- Bajpatti, Dist.-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s: Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Sur-
sand P.S. Case No. 156 of 2025 instituted for the offences under
Sections 30(a) of the Bihar Prohibition and Excise Act. He has
no criminal antecedent.

3. As per the prosecution case, two persons were com-
ing from Nepal side on motorcycle and on seeing the police
party they tried to flee, however, the police chased and appre-
hended one person who disclosed his name as Gulshan Kumar
(Petitioner) and on search 270 litres Nepali liquor was recovered
and seized.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case and he has no concern with the seized incriminating liquor. Learned counsel for the petitioner further submits that the petitioner has falsely been implicated in this case as he did not agree to become the witness and also as there was no independent witnesses to such seizure. It is lastly submitted that the petitioner has no criminal antecedent and is in custody since 28.03.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that huge quantity of Nepali liquor was recovered from the motorcycle on which the petitioner was riding.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that the petitioner has clean antecedent and is in custody since 28.03.2025, the petitioner above named, is directed to be released 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 the learned Exclusive Special Judge, Excise-II, Sitamarhi in connection with Sursand P.S. Case No. 156 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a
close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioner, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) 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 the same or in the name of



verification.

(Sourendra Pandey, J)

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