

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2013 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- ISHIPUR District- Bhagalpur

Sonu Pandey S/o Late Uday Pandey R/o village- Kamalchak, P.S.- Ishipur
Barahat, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Radha Mohan Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ishipur Barahat P. S. Case No. 48 of 2021 registered for the offences punishable under Sections 37(b) (c) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on 13.11.2021, the Police apprehended this petitioner, who was making nuisance and found intoxicated. It is further alleged that



he was taken to custody by the Police and when he was examined by the Breath Analyzer Machine, the content of alcohol level was found to be 144.2 Mg/100ML.

Learned counsel appearing on behalf of the petitioner submitted that on the alleged date of occurrence, the petitioner was going for his nature call and on account of some trifling matter some altercation has taken place between the police and he was arrested only on the ground of having some criminal antecedent. It is further submitted that the petitioner is in custody since 13.11.2021 and he has already been punished appropriately. It is also submitted that the cases, which have been mentioned in paragraph no. 3 of the application are of mostly old cases in which the petitioner is on bail. It is next submitted that the investigation of the present crime has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner having criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the fact that only the allegation of the petitioner was found intoxicated, there is no other material and as such and he is in custody since 13.11.2021,



let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge, (Excise Act), Bhagalpur in connection with Ishipur Barahat P. S. Case No. 48 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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