

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37236 of 2023

Arising Out of PS. Case No.-326 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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BOTHARI SINGH S/O BAMBAM SINGH R/O Vill. Kiul Basti, Ward No.
20, PS. Kabaiya, Dist. Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 326C² of 2023 registered for the offences
punishable under Sections 37 of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, petitioner is apprehended
in drunken condition.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.03.2023. Petitioner bears one
criminal antecedent of similar nature. Learned counsel further
submits that petitioner is innocent and has committed no offence
as alleged in the F.I.R. Nothing has been recovered from the



conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – V-cum-Exclusive Spl. Court No. 2nd, Excise Act, Lakhisarai in connection with Excise P.S. Case No. 326C² of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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