

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37744 of 2023

Arising Out of PS. Case No.-532 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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GOPAL KUMAR MISHTRI S/O RAMDAS MISHTRI R/O Village- Gosai
Tola Ward No. 21, PS. Kabaiya, Dist. Lakhisarai, alleged R/O- Damodarpur,
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.Rajesh Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-06-2023 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 on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Excise P.S. Case No. 532 C2
of 2023 dated 25.5.2023 registered for the offence punishable
u/s 37 of the Bihar Prohibition and Excise Act.

As per the prosecution case, the petitioner along with
the co-accused persons were apprehended in intoxicated
condition. After being examined by the Breath Analyzer Machine,



presence of alcohol in their bodies was found.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is a sick person and he took homeopathic medicine prior to the said test. The petitioner is accused in one more criminal case in which he is on bail as stated in para 3 of the bail petition. The petitioner is in custody since 26.5.2023.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Lakhisarai in connection with Excise P.S. Case No. 532 C2 of 2023.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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