

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43024 of 2023

Arising Out of PS. Case No.-453 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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RAMBABU SINGH @ BABU SINGH Son of Late Rambalak Singh
Resident of Village - Bodhnagar, P.S.- Ramgadh Chowk, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner seeks bail in connection with Excise
P.S. Case No. 453 C2 of 2023 registered for the offences
punishable under Sections 37 of the Bihar Prohibition and
Excise Amendment Act.
3. As per prosecution case, petitioner is apprehended
in drunken condition and on the basis of breath analysis test it is
confirmed that the petitioner has consumed alcohol/liquor.
4. Learned counsel for the petitioner submits that
petitioner is in custody since 30.04.2023. Petitioner bears one
criminal antecedent of similar nature. Learned counsel further
submits that is innocent and has committed no offence as



alleged in the F.I.R. There is absolute ambiguity as to the correctness and genuineness of the alleged breath analyzer machine. There is no cogent evidence to prove the case beyond reasonable doubt.

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

6. 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 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 Special Excise Court No. – 2, Lakhisarai in connection with Excise P.S. Case No. 453C2 of 2023, 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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