

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45615 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Gulshan Kumar S/O Bhashkar Singh R/O Village- Kemra, Ps. Ariyari, Dist.
Sheikhpura, At Present Residing At Village- Hasanpur, Near Punjab National
Bank, Ward No. 30, Ps. Kabaiya, Dist. Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
26.03.2023 in connection with Lakhisarai (Kabaiya) P.S. Case
No. 235 of 2023, F.I.R. dated 25.03.2023 for the offences
punishable under Section 290 of the Indian Penal Code and
Section 37 of Bihar Prohibition and Excise Act, 2016.

3. According to prosecution case, on breath analyzer
test 0.110% alcohol was found in the body of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
that on breath analyzer test 0.110% alcohol was found in the



body of the petitioner and nothing was recovered from the conscious possession or the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-I, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 235 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. 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.

3. 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 or in the name of verification.

(Rajesh Kumar Verma, J)

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