

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47197 of 2023**

Arising Out of PS. Case No.-519 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.  
District- Lakhisarai

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Prahlad Kumar @ Prahlad Yadav Son of Bimal Yadav Resident of village -  
Bilauri, P.s. - Lakhisarai, Distt. - Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Narsingh Tanti, Advocate  
For the Opposite Party/s : Mr. Kalyan Shankar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      03-08-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
22.05.2023 in connection with Excise P.S. Case No. 519c2 of  
2023, F.I.R. dated 21.05.2023 for the offences punishable under  
Section 37 of Bihar Prohibition and Excise (Amendment) Act,  
2022.

According to prosecution case, as per written report of  
informant Ravi Sinha, A.S.I. of P.S. Excise, in short, is that on  
01.06.2023 accused namely, Prahlad Kumar was apprehended in  
intoxicated condition from near Damodarpur road under P.S.-  
Kabaiya. On Breath Analyzer Test presence of alcohol in his  
body was confirmed.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per F.I.R. on Breath Analyzer Test, BAC=152mg/100 ml of alcohol was found on the body 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 22.05.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 A.D.J-V-cum-Exclusive Special Court-2, Excise Act, Lakhisarai in connection with Excise P.S. Case No.519c2 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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