

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49730 of 2023

Arising Out of PS. Case No.-589 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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Kanhaiya Kumar Son Of Late Deonandan Sao @ Devanand Saw Village
Ramgarh Chauk Azadnagar, P.S- Ramgarh Chauk, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
19.06.2023, in connection with Excise P.S. Case No. 589 C2 of
2023, F.I.R. dated 18.06.2023 registered for the offences
punishable under Section 37 of the Bihar Prohibition and Excise
Act, 2022.

3. Allegation against the petitioner is that he was
found in drunken condition and he was apprehended from the
side of Tilokhar road.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in
the present case. He further submits that the petitioner was
found in drunken condition and he was arrested on 19.06.2023



and on Breath Analyzer Test, the presence of alcohol 52mg/100 ml was found in the body of the petitioner. The petitioner is in custody since 19.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, 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 Sessions Judge V-cum-Exclusive Special Court-II, Excise Act, Lakhisarai in connection with Excise P.S. Case No. 589 C2 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 witness, 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



antecedents, 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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