

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51141 of 2023

Arising Out of PS. Case No.-614 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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VISHWNATH KUMAR SON OF BANARASI MAHTO RESIDENT OF
VILLAGE MANPUR, PS -HALSI, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shaukat Alam, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
01.07.2023 in connection with Lakhisarai Excise P.S. Case No.
614C2/23, F.I.R. dated 30.06.2023 registered for the offence
punishable under Section 37 of the Bihar Prohibition and Excise
Act, 2022.

3. The prosecution case, in short, is that on
30.06.2023 petitioner was apprehended in intoxicated condition
from near Mohaddinagar Road under P.S. Halsi. On Breath
Analyser Test presence of alcohol in his body was confirmed.

4. Learned counsel appearing for the petitioner
submits that the petitioner was arrested in drunken condition



and thereafter his test was conducted and during Test BAC= 81 Mg/100ml alcohol was found in his body and thereafter the petitioner has been sent into judicial custody on 01.07.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one in similar nature.

6. Considering the aforesaid facts, 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 learned Additional Sessions Judge-V-cum-Exclusive Special Court-2, Excise Court, Lakhisarai in connection with Lakhisarai Excise P.S. Case No. 614C2/23, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.



(III) 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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