

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60026 of 2023

Arising Out of PS. Case No.-689 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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BAMBAM MANDAL S/O RAMESH MANDAL R/O VILLAGE-
SABIKPUR, PS. LAKHISARAI, 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. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No.689 C²/23 for the offence under section 37 of Bihar Prohibition and Excise Act lodged on 05.08.2023 by the informant, Guddu Kumar.

3. As per the prosecution story, the Police found a person coming out of his house and trying to escape, was apprehended and found to be in an inebriated state. Having put on breath analyzer, the result was positive and as such was arrested. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that for the alleged act, he has already suffered by being in custody since 06.08.2023 (as stated in paragraph 9 of the petition).



5. Learned APP opposes the prayer for bail stating that he was caught in an inebriated state.

6. Considering the allegation that has come against the petitioner, has remained in custody since 06.08.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of 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.689 C²/23 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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