

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59277 of 2023

Arising Out of PS. Case No.-493 Year-2023 Thana- DANAPUR District- Patna

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MONU KUMAR @ MONU SARKAR S/O RAJESHWAR PRASAD @
RAJESHWAR RAY R/O VILLAGE- SHIWALAPAR, NEAR SHIV
MANDIR, NEURA, PS. SHAHPUR, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Special Excise Case No. 869 of 2023 (arising out of Danapur P.S. Case NO. 493 of 2023) registered under Sections 341, 332, 504, 353 and 427/34 of the Indian Penal Code and Section 37 (b) (c) of the Bihar Prohibition and Excise Act lodged on 10.04.2023 by the informant, Biswanath Jha.

3. As per the prosecution story, the police after the appearance of the accused was taken back to the lock up, around 5.30 P.M. the accused persons who were in inebriated state started quarreling in the police van and also broke the glasses of the vehicle, upon checking them through breath



analyzer, it was found positive. Accordingly, the FIR.

4. It is the case of the petitioner that the water bottle which was provided to them was spurious *inasmuch* as liquor was mixed in it, little knowledge about it, they drink it and for the same already suffered by being in custody as one more case have been lodged against them and in this particular case, is in custody since 25.05.2022.

5. Learned APP opposes the prayer for bail stating that despite being accused in other case, during police custody, the accused persons took alcohol and as such, opposes the prayer for bail.

6. Considering the submissions put forward by the parties as also the fact that he in custody since 26.05.2023 (as stated in paragraph-9 of the petition), it would be appropriate that he be released on bail but only after framing of charge.

7. Let the petitioner be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur, Patna in connection with Special Excise Case No. 869 of 2023 (arising out of Danapur P.S. Case No. 493 of 2023) 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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