

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66603 of 2023

Arising Out of PS. Case No.-728 Year-2023 Thana- Excise P.S. District- Lakhisarai

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Devanand Kumar Ram Son Of Mahendra Ram @ Mahesh Ram Village-
Rampur, Ward No. 3, Ps- Govindganj, Dist- Motihari (EAST Champaran)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Excise P.S. Case No. 728C² of 2023 dated 23.08.2023, lodged
under Sections 37 of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

4. As per the prosecution case, the F.I.R. has been
lodged against the present petitioner alleging that he has
consumed alcohol and upon inquiry, it was found correct that he
has consumed alcohol.

5. Learned counsel for the petitioner submits that it is
the second offence of the petitioner and he is in custody since
24.08.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that nothing was recovered from the possession of the petitioner but he was found in drunken state.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- Vth-cum-Exclusive Special Court No. 2, Excise Act, Lakhisarai in connection with Excise P.S. Case No. 728C² of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or

promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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