

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69238 of 2023**

Arising Out of PS. Case No.-774 Year-2023 Thana- Excise P.S. District- Lakhisarai

MITTHU CHAUDHARY @ MITHU CHAUDHARY SON OF LATE
ASHOK CHAUDHARY RESIDENT OF VILLAGE - DALPATTI, KALALI
ROAD, WARD NO. 31, PS- LAKHISARAI (KABAIYA), DIST-
LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection
with Excise P.S. Case NO. 774 C2 of 2023 registered under
Section 37 of the Bihar Prohibition and Excise (Amendment)
Act lodged on 16.09.2023 by the informant, Guddu Kumar.

3. As per the prosecution story, the petitioner was
found to be intoxicated condition and accordingly after putting
him on breath analyzer found to be positive, arrested.
Accordingly, the FIR.

4. It is the case of the petitioner that because he was
earlier arrested for the same allegation, he was once again
implicated and has remained in custody since 17.09.2023.



5. Learned APP opposes the prayer for bail.

6. Taking into account the kind of submission that has come, it is unfortunate that the matter has to travel up to the High Court for releasing the petitioner on bail who in the process suffered by being in custody since 17.09.2023, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-V cum Special Court NO. 2, Lakhisarai in connection with Excise P.S. Case No. 774 C2 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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