

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7282 of 2024**

Arising Out of PS. Case No.-851 Year-2023 Thana- Excise P.S. District- Lakhisarai

Mukesh Mandal Son of late Banarsi Mandal Resident of Village-Shivsona,  
P.S.-Halsi, Distt.-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      09-02-2024                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise  
P.S. Case No. 851C2/2023 registered for the offences punishable  
under Sections 37 of the Bihar Prohibition and Excise  
(Amendment) Act, 2018.

As per prosecution case, on the basis of breath  
analysis test, petitioner is said to have consumed alcohol/liquor  
and he was apprehended on spot.

Learned counsel for the petitioners submits that  
petitioner is innocent and has committed no offence as alleged  
in the FIR and he has falsely been implicated in this case. There  
is no compliance of Section 100(4) of the Cr.P.C. It is further  
submitted that breath analysis test is not the conclusive proof to



determine the presence of alcohol in the body. Petitioner is in custody since 21.10.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of four cases.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees 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 Act, Lakhisarai in connection with Excise P.S. Case No. 851C2/2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

asmit/-

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