

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50485 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- BANNUBAGICHA District- Lakhisarai

=====

Sujeet Kumar, Son of Subodh Yadav, Resident of Vill- Singhchak, P.S.- Kiul,
District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Nityanand, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-07-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bannubagicha P.S. Case
No. 35 of 2024 registered for the offence punishable under
Sections 37 of Bihar Prohibition & Excise (Amend.) Act, 2022.

3. The prosecution case is based on the fardbeyan of
the informant, alleging therein, that the petitioner was found in a
drunken position which is confirmed by the police personnel
through breath analyzer.

4. Learned Advocate appearing on behalf of the
petitioner contended that the breath analyzer is not the
conclusive proof of consumption of liquor. Moreover, nothing



incriminating material including any illicit wine has been recovered from the possession of the petitioner. The petitioner is in custody since 30.05.2024; now the investigation of crime is already complete and charge-sheet has been submitted.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the petitioner had earlier also apprehended in connection with identical offence.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of the crime and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of Court of Learned Additional Sessions Judge V-cum-Exclusive Special Court-2, Excise Act, Lakhisarai in connection with Bannubagicha P.S. Case No. 35 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

