

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83566 of 2023

Arising Out of PS. Case No.-357 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Rajiv Mahto Son of Late Suresh Mahto R/O Village- Konipar, P.S.-
Surajgarha (MANIKPUR), Dist.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Surajgarha (Manikpur) P.S. Case No. 357/20223 registered for the offences punishable under Section 37(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, on the basis of breath analyzer test the appellant is found to have consumed alcohol/liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case merely on suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the



alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 03.10.2023 and bears criminal antecedent of one case in which he is on bail. He further submits that the petitioner has nothing to do with the alleged occurrence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District and Sessions Judge cum Special Judge, Court No.01, Lakhisarai in connection with Surajgarha (Manikpur) P.S. Case No. 357/2023, subject to 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)

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