

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2829 of 2025

Arising Out of PS. Case No.-482 Year-2025 Thana- SHAHPUR PATORI District- Samastipur

Arvind Kumar Singh S/O Ashok Singh R/O Village- Chandpur, P.S- Patori
and Distt.- Samastipur, Bihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Avinash Chandra, Adv.

For the Respondent/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-08-2025 Heard the parties.

2. Admit.

3. Call for the trial Court records in connection with
Patori Sanha Case No. 482 of 2025 from the Court of learned
A.D.J.-cum-Special Judge, Excise Act, Court No. 02,
Samastipur.

4. The present appeal has been filed against the
impugned judgment of conviction and order of sentence dated
06.02.2025 passed by learned A.D.J.-cum-Special Judge, Excise
Act, Court No. 02, Samastipur in Patori Sanha P.S. Case No.
482 of 2025, whereby and whereunder the appellant has been
convicted and sentenced with simple imprisonment for a period
of 01 (one) year for the offence under section 37 of the Bihar
Prohibition and Excise Act, 2016.

5. As per the prosecution case, the appellant is said to



have been found in intoxication of liquor causing nuisance and on the basis of breath analyzer machine it was found that he was in intoxicated condition and F.I.R. was registered under section 37 of the Bihar Prohibition and Excise Act, 2016

6. Learned counsel for the appellant submits that appellant is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. He further submits that breath analysis test is not conclusive test to conclude as to whether a person has consumed alcohol or not. He further submits that no blood sample of the appellant was examined to prove that the appellant was in intoxicated condition. He further submits that the said Breath Analyser Test report has not been analysed in proper way while recording the judgment of conviction. No opportunity was given to the appellant to defend his case efficiently and effectively. Learned counsel further submits that appellant was arrested on 09.01.2025 and since then he is rotting in custody. He further submits that cardinal principle of settled criminal jurisprudence has not been followed and the appeal is not likely to be heard in near future.

7. Learned A.P.P. for the State vehemently opposes the prayer for bail of the appellant and submits that appellant was earlier accused in Patori Sanha Case No. 701 of 2022 which is of similar nature.



8. Considering the facts and circumstances of the case, period of custody already undergone by the appellant, appeal is not likely to be heard in near future, argument advanced on behalf of the both sides as well as material available on record, in the opinion of this Court it will be proper to enlarge the appellant on bail during the pendency of the appeal.

9. Accordingly, let the appellant above named be enlarged on bail during the pendency of the appeal on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-cum-Special Judge, Excise Act, Court No. 02, Samastipur in connection with Patori Sanha Case No. 482 of 2025.

10. Sentence of the appellant is suspended during the pendency of the appeal.

11. The appellant is directed to cooperate this Court in disposal of appeal.

12. Put up the appeal under appropriate heading after receipt of trial court records.

(Alok Kumar Pandey, J)

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