

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72938 of 2019

Arising Out of PS. Case No.-162 Year-2019 Thana- LAKHISARAI District- Lakhisarai

1. Ravindra Kewat, aged about 30 years (M), Son of Dharam Kewat.
2. Jitu Kewat, aged about 32 year, (M), Son of Gangu Kewat
Both are Resident of Village- Gangta, P.S.- Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mrs. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Lakhisarai P.S. Case No. 162 of 2019 registered for the offence
punishable under Sections 272/273/308 of the Indian Penal
Code and Section 30(a), (c) / 36 of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The allegation against the petitioners as per the First
Information Report is that the Police got information that some
persons were engaged in the manufacturing of illegal liquor and
proceeded towards the village and found utensils and apparatus
for preparation of liquor near the pond of the village. It has
further been alleged that upon seeing the Police party, six



persons started fleeing away from the place of occurrence and the name of the petitioners have been disclosed by the co-villagers. It has further been alleged that thereafter the house of the petitioner no. 1 was searched and a total quantity of 1.5 liters of illicit liquor has been recovered from the under constructed house of the petitioner no. 1.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and no illicit liquor has been recovered from their conscious possession or the premises belonging to them. Learned counsel further submits that illicit liquor has been recovered from the under constructed house of petitioner no. 1, where the petitioners are not residing and the petitioners are residing in a different house. Learned counsel referring to the seizure list submits that from perusal of the seizure list itself it would be evident that illicit liquor has been recovered from the under constructed house and seizure list has been pasted on the wall of the under constructed house, whereas, petitioners are residing in a different house. Learned counsel submits that no illicit liquor has been recovered from petitioners conscious possession or from the premises belonging to the petitioners and the name of petitioners have been disclosed by the co-villagers with oblique motive.



Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioners have got no criminal antecedent and no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioners, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge IInd Cum Special Judge (Excise Act), Lakhisarai in connection with Lakhisarai P.S. Case No. 162 of 2019, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

(Anil Kumar Sinha, J)

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