

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75820 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- CHEWARA District- Sheikhpura

1. MAHESH KEWAT Son of Mahadev Kewat Resident of Village - Beldari, Police Station- Chewara, District- Sheikhpura
2. Shaharu Kewat Son of Ramjeet Kewat Resident of Village- Beldari, Police station- Chewara, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Chewara Police Station Case No. 47 of 2019, disclosing offences under Sections 272/273 of the Indian Penal Code and Sections 30(a)/30(d)/37(b) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioners, as per the First Information Report, is that the police, on secret information that the accused persons were engaged in the manufacturing of illicit liquor, proceeded towards the place of occurrence and upon seeing the police, three persons fled away, but one person, Rajan



Manjhi, was caught by the police and 02 litres of illicit liquor, along with the equipment for preparing the illicit liquor, was recovered from a field, situated near Azadnagar-Angpur Bahiyar. The name of the petitioners has been disclosed by the arrested co-accused person.

Learned Counsel for the petitioners submits that the petitioners, having no criminal antecedent, have falsely been implicated in this case on the basis of their names being disclosed by the arrested co-accused person. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioners or the premises belonging to them inasmuch as from perusal of the First Information Report and seizure list, it would be evident that illicit liquor has been recovered from a field, outside the village near Azadnagar-Angpur Bahiyar.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioners have got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioners or the premises belonging to them, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Sheikhpura, in connection with Chewara Police Station Case No. 47 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

U	✓	T	✓
---	---	---	---

