

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28958 of 2020**

Arising Out of PS. Case No.-19 Year-2020 Thana- CHEWARA District- Sheikhpura

Binod Kewat @ Vinod Kewat, S/o Late Ramjeet Kewat, Resident of Beldaria
Tola, P.S.-Chewara, District-Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 09-11-2020 Since as of now the Courts have not resumed

normal physical hearing, the matter has been listed today for

consideration through video conferencing.

The learned counsels are appearing and making
submissions from their residence.The Court Master and
Secretary are also part of this virtual Court proceedings
from their homes, all with the aid of audio visual
technology.

Mr. Mustaque Alam, learned APP is appearing for
the State as it is submitted that the brief has been allotted to
him by the office of Advocate General.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with



Excise Case No.82 of 2020 arising out of Chewara P.S. Case No.19 of 2020 registered for the offence punishable under Sections 272, 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act.

The petitioner is in custody since 06.07.2020 on the alleged recovery of 24 litres country-made liquor kept in two plastic jerrycan from near the river.

It is submitted that the petitioner's implication is merely on the basis of disclosure by village Choukidar. He has not been arrested from the spot. At the time of recovery, there is no compliance of Section 100 Cr.P.C. and the petitioner has no criminal antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional District & Sessions Judge, Sheikhpura, in connection with Excise Case No.82 of 2020 arising out of Chewara P.S. Case No.19 of 2020,



subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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