

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37860 of 2020

Arising Out of PS. Case No.-349 Year-2020 Thana- BAGHA District- West Champaran

1. Hareram Kewat, Son of Laxmi Kewat, Resident of Village- Naraipur, Kewatiya Tola, Ward No.11, P.S.- Bagaha (Pathkhauli), Distt- West Champaran
2. Laxman Kewat @ Golu Kewat, Son of Mahendra Kewat, Resident of Village- Naraipur, Kewatiya Tola, Ward No.11, P.S.- Bagaha (Pathkhauli), Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Bagaha (Pathkhauli) P.S. Case No.349 of 2020 instituted for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Since 22.06.2020 the petitioners are in custody on the allegation of alleged recovery of 266 litres country made liquor from an orchard.

Counsel for the petitioners submits that the recovery is from an open place having general public access. The responsibility for the recovery cannot be fastened on the



petitioners and their implication is on extraneous considerations.

They have no criminal antecedents.

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

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

Accordingly, let both the petitioners, above named, 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 the learned Special Judge, Excise, West Champaran, Bettiah, in connection with Bagaha (Pathkhauli) P.S. Case No.349 of 2020, subject to the following conditions:

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

This Court would expect that the petitioners' 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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