

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37811 of 2022

Arising Out of PS. Case No.-306 Year-2022 Thana- LAKHISARAI District- Lakhisarai

Mahendra Kewat S/o Late Dubraj Kewat @ Dubram Kewat Resident of
Village- Digha, Police Station- Amhara, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabi Bhushan, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Lakhisarai (Amhara) P.S. Case No. 306 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret information about petitioner and other co-accused persons manufacturing and selling illicit *mahua* liquor. A raid was conducted and 15 litres of country made *mahua* liquor was recovered which was left behind by the petitioner and other co-



accused persons who are said to have escaped from the spot when the raid was being conducted.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery has been made from him and only 15 litres of country made *mahua* liquor has been recovered from green coloured jerry can, which does not belong to this petitioner. Moreover, the recovery was not made from the conscious possession of this petitioner and it was from an open place. The petitioner is in custody since 19.04.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Excise Court-1st, Lakhisarai in connection with Lakhisarai (Amhara) P.S. Case No. 306 of



2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Rangila Devi, wife of the petitioner, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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