

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4671 of 2023**

Arising Out of PS. Case No.-19 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

MAKWA KEWAT @ MAKESHWAR KEWAT Son of Gopali Kewat R/v-
Gangta, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar,Advocate
For the Opposite Party/s : Mr.Parmanand Prasad,APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
28.08.2022 in connection with Excise Case No. 19C2 of 2019,
F.I.R. dated 29.01.2019 registered for the offence punishable
under Sections 30(a), 32,41,56(b) of Bihar Prohibition and
Excise Act.

Recovery is of 30 liters of country made liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
mainly on the basis of the previous criminal antecedent of the
petitioner. Further submits that it appears from the FIR as well
as the seizure list that nothing has been recovered from



conscious possession of the petitioner rather the recovery has been made near the Gangta Pond which was situated outside the village and the petitioner has no concern at all with the alleged recovery of illicit liquor and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, 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 learned Additional Sessions Judge-V-cum-Exclusive Special Court No.-2, Excise Act, Lakhisarai in connection with Excise Case No. 19C2 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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