

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3005 of 2023**

Arising Out of PS. Case No.-56 Year-2012 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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JITU KEWAT @ JITENDRA KEWAT S/o Late Arjun Kewat R/o Village-
Gangta, P.S.- Lakhisarai, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood,APP

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

3 03-05-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
18.10.2022 in connection with Excise Case No.56C2 of 2012,
F.I.R. dated 03.02.2012 registered for the offence punishable
under Section 47(a)(f) of Bihar Excise Act.

Recovery is of 70 liters of country made liquor and
about 1200 Kg fermented Jawa Mahua.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Further submits that the allegation as alleged in the FIR is
false and fabricated and the petitioner has not committed any
offence as alleged in the FIR and it appears from the FIR that



nothing has been recovered from conscious possession of the petitioner rather the recovery has been made near the Pond and the petitioner has no concern at all with the alleged recovery of illicit liquor or the Jawa Mahua and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits that out of six cases, the petitioner has been acquitted in two cases, in two cases, the petitioner is on bail and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition and in para-2 of the supplementary affidavit.

Considering the aforesaid facts, nothing has been recovered from conscious possession or the house 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 Addl. Sessions Judge-V-cum-Exclusive Special Court No.-2, Excise Act, Lakhisarai in connection with Excise Case No.56C2 of 2012, 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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