

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3098 of 2023

Arising Out of PS. Case No.-26 Year-2012 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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JITU KEWAT @ JITENDRA KEWAT Son of Late Arjun Kewat Resident of
Village- Gangta, P.S.- Lakhisarai, District- 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 : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-04-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Excise Case No. 26C2 of 2012, registered for the offences
punishable under Section 47(a)(f) of Bihar Prohibition and
Excise Act.

3. The main submissions advanced by petitioner's
counsel are that as per prosecution the alleged wine was
recovered near a *pond* and the said place is an open place which
is accessible to everyone and the petitioner was not arrested at
the spot and he was made accused in this case mainly on the
basis of suspicion as well as his criminal antecedents and
against the petitioner there are criminal antecedents of five cases
out of them he has been acquitted in two cases and he has got



bail in two cases and in the present matter he has been languishing in jail since 03.09.2022.

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

5. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot and the alleged place of recovery of wine is stated to be an open place accessible to everyone and against the petitioner investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged 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 concerned Court in connection with Excise Case No. 26C2 of 2012.

(Shailendra Singh, J.)

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