

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42980 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- DANIYAWAN District- Patna

SUNNY KUMAR S/o Raj Kishore Kewat R/o village Danada, P.S.-
Daniyanwan, Dist.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 43643 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- DANIYAWAN District- Patna

AKHILESH KEWAT Son of Late Rupan Kewat Resident of village - Danada,
P.S. - Daniyawan, Distt. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 44010 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- DANIYAWAN District- Patna

MITHLESH KEWAT @ MITHLESH KUMAR @ BAUNA Son of Akhilesh
Kewat Resident of village - Danara, P.S. - Daniyawan, Distt. - Patna. At
present Address - Mohalla - Kali Mandir, near Dr. Ranjan, P.s. - Fatuha, Distt.
- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 45175 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- DANIYAWAN District- Patna

Dhiraj Kumar @ Dhiraj Son Of Raj Kishore Kewat Resident Of Village -
Danada, P.S. - Daniyanwan, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s



Appearance :

(In CRIMINAL MISCELLANEOUS No. 42980 of 2023)

For the Petitioner/s : Mr.Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

(In CRIMINAL MISCELLANEOUS No. 43643 of 2023)

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 44010 of 2023)

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 45175 of 2023)

For the Petitioner/s : Mr.Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 **CRIMINAL MISCELLANEOUS No.42980 of 2023**

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Daniyawar P.S. Case No.93 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 16.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 70.55 litres of IMFL.



5. Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor appears to be recovered from the house of the petitioner, which is jointly occupied by other members and as such it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of this petitioner. It is further submitted that implication of Section 100 (4) of the Cr.P.C. not appears to be followed in the present case, regarding search of the premises. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor was made from the jointly occupied house of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection



with Daniyawan P.S. Case No.93 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court of Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.



(iii) That one of the bailors
shall be deponent of the present bail
petition.

CRIMINAL MISCELLANEOUS No. 43643 of 2023

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Daniyawar P.S. Case No.93 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 16.04.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 127.4 litres of IMFL.

5. Learned counsel appearing on behalf of the
petitioner submitted that the recovery of alleged illicit liquor
appears to be recovered from the house of the petitioner, which
is jointly occupied by other members and as such it cannot be
said that recovery of alleged illicit liquor was made from the
conscious physical possession of this petitioner. It is further
submitted that implication of Section 100 (4) of the Cr.P.C. not
appears to be followed in the present case, regarding search of



the premises. While concluding the argument, it is submitted that petitioner found involved in one more case, where he has already been acquitted on trial and it can be safely said that he is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor was made from the jointly occupied house of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Daniyawan P.S. Case No.93 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court of Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-



(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

CRIMINAL MISCELLANEOUS No. 44010 of 2023

Heard learned counsel appearing on behalf of the



petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Daniyawar P.S. Case No.93 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 22.05.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 197.95 litres of IMFL.

5. Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor appears to be recovered from the house of the petitioner, which is jointly occupied by other members and as such it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession, as petitioner was not apprehended on spot. It is further submitted that implication of Section 100 (4) of the Cr.P.C. not appears to be followed in the present case, regarding search of the premises. While concluding the argument, it is submitted that petitioner found involved in two more cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of



tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor was made from the jointly occupied house of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.05.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Daniyawan P.S. Case No.93 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court of Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

CRIMINAL MISCELLANEOUS No. 45175 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Daniyawar P.S. Case No.93 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 16.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 70.55 litres of IMFL.

5. Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor appears to be recovered from the house of the petitioner, which is jointly occupied by other members and as such it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of the petitioner. It is further submitted that implication of Section 100 (4) of the Cr.P.C. not appears to be followed in the present case, regarding search of the premises. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as recovery of alleged illicit liquor was made from the jointly occupied house of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2023, accordingly, petitioner,



above named, is directed to be released on bail in connection with Daniyawan P.S. Case No.93 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Court of Excise, Patna City, Patna/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly



supported by the documents.

(iii) That one of the bailors
shall be deponent of the present bail
petition.

(Chandra Shekhar Jha, J)

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