

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47622 of 2023

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

=====

RAJ KISHORE KEWAT S/O RAMDEO KEWAT R/O Village- Danada, P.S-
Daniyanwan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman

For the Opposite Party/s : Mr.Anil Prasad Singh

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Daniyawan
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 70.500 litres of IMFL/country made liquor from jointly occupied
house of petitioner.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor made from the jointly
occupied house of this petitioner and, as such, it can be said safely
that recovery of alleged illicit liquor not appears to be made from



conscious physical possession of this petitioner. It is further submitted that compliance of section 100(4) of the Cr.P.C. not appears to be followed in present case. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Daniyanawan P.S. Case No. 93 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at



liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned 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)

pooja/-

U		T	
---	--	---	--

