

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37756 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- Excise P.S. District- Lakhisarai

Sanjay Kewat Son of Late Jagdish Kewat R/o Village - Charokhra Ward No.-
18, P.S.- Lakhisarai, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Lakhisarai Excise P.S.
Case No. 279 C2 of 2022, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 05 liters
liquor was recovered from railway line and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. The petitioner has got no concern



with the alleged recovery of liquor. The present case is of misuse of privilege of bail earlier granted to the petitioner. Earlier the petitioner was granted bail on 23.09.2022 by the learned Court below. It is submitted that the case was fixed on 02.02.2024 for evidence and on that date the petitioner neither physically nor by any representation appeared before the Court due to which the bail bond of the petitioner was cancelled by the learned Court below on 02.02.2024. Thereafter, the petitioner surrendered before the learned Court below on 22.02.2024 and prayed for bail but the same was rejected by the learned Court below on 22.02.2024. Thus, there is misuse of privilege of bail for twenty days. He further submitted that summon was not served on him properly and due to lack of knowledge the petitioner did not appear in the Court below on the fixed date. Learned counsel for the petitioner further submitted that the petitioner undertakes to abide by any conditions imposed by this Court, if released on bail. The petitioner has got no criminal antecedent as has been mentioned in paragraph no. 3 of the present bail application.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case and the period of custody undergone by the petitioner as also the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lakhisarai Excise P.S. Case No. 279 C2 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner is found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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