

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38920 of 2024

Arising Out of PS. Case No.-964 Year-2023 Thana- LAKHISARAI District- Lakhisarai

1. Paya Devi Wife of Singheshwar Kewat @ Singisar Kewat @ Sidheswar Kewat @ Singheshwar Kawet Resident of Village - Digha, Police Station - Lakhisarai (Amhara O.P.), District - Lakhisarai.
2. Singheshwar Kewat @ Singisar Kewat @ Sidheswar Kewat @ Singheshwar Kawet Son of Late Kunj Lal Kewat @ Late Kanjul Kewat Resident of Village - Digha, Police Station - Lakhisarai (Amhara O.P.), District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seeks regular bail in connection with Lakhisarai (Amhara O.P.) P.S. Case No. 964 of 2023, lodged on 11.12.2023 under Sections 147, 149, 353, 341, 323, 307, 354(A), 225 of the Indian Penal Code read with sections 30(a)/45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, FIR has been lodged against seven named accused persons including the present petitioners. Total 5 litres of country made liquor has been recovered which is the subject matter of the present case.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that the petitioners are the poor person and only at the instance of the police, they have been arrested. Counsel further submits that the criminal antecedent of the petitioners are not clean and there are two criminal cases pending against petitioner no.1 in which he is on bail in both the cases and there are three criminal cases pending against petitioner no.2 in which he is on bail in all the three cases. The petitioners are in custody since 27.02.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that they were apprehended by the police and the country made liquor has been recovered from their possession.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV-cum-Special Excise Court 1st, Lakhisarai in connection with Lakhisarai (Amhara O.P.) P.S. Case No. 964 of



2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.
as well as the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. However, the petitioners shall be granted bail only on being satisfied by the Trial Court that the petitioners are not absconding in any of the cases pending against them whose details are as follows:-



Petitioner no.1:-

- (I)- Govt. Official Complaint Case No. 17C2/ 2017.
- (II)- Govt. Official Complaint Case No. 34C2/2021.

Petitioner no.2:-

- (I)- Govt. Official Complaint Case No. 11C2/ 2016.
- (II)- Govt. Official Complaint Case No. 36C2/2021.
- (III)- Govt. Official Complaint Case No. 17C2/2017.

(Dr. Anshuman, J.)

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