

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53460 of 2024

Arising Out of PS. Case No.-888 Year-2023 Thana- LAKHISARAI District- Lakhisarai

Brahmdev Kewat @ Barmi Kewat Son of Jhaman Kewat R/O Vill.- Jokmaila,
P.s.- Lakhisarai, Dist.- Lakhisarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Lakhisarai P.S. Case No. 888 of 2023 registered for the offences punishable under Sections 30(a)(b)(c) of Bihar Prohibition and Excise Act, 2018. He has five criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 150 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated with



the present case as the alleged Mahua was found recovered from an open place, which is accessible by general public. It is submitted that facts of this case clearly suggest that recovery of alleged Mahua was not made from conscious physical possession of this petitioner and he was implicated in this case only being owner of the field from where alleged Mahua was recovered. It is submitted that petitioner found involved in five criminal cases, in which he is on bail. It is also pointed out that seizure list appears doubtful which is also not supported by any independent witness.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of alleged Mahua *prima-facie* not appears to be made from conscious physical possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to



the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Judge, Excise Court-I, Lakhisarai/ concerned court in connection with Lakhisarai P.S. Case No. 888 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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