

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87865 of 2024

Arising Out of PS. Case No.-465 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Pawan Kumar Son of Kailash Kewat Resident of Village- Charokhra Ward
No.18, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Narsingh Tanti, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Lakhisarai P.S. Case No. 465 of 2021, registered for the offences punishable under Sections 30(a)/32(ii) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 45 liters of illicit liquor has been recovered lying on the road adjoining the house of Karu Mandal. However, as per further allegation, this illicit liquor was abandoned by the petitioner and thereafter, the petitioner had fled away seeing the police.

4. Learned counsel for the Petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has been made from



open space and the petitioner is no way connected with the alleged offence. He further submits that no *prima facie* case is made out against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.D.J. IVth-cum-Special Excise Court-Ist, Lakhisarai, in connection with Lakhisarai P.S. Case No. 465 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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