

In the Court of Exclusive Special Excise Judge, Sheikhpura.

Excise Case No. 640/2022

Chewara P.S Case No. 76/2022

(i) Ganna Kewat, S/o Lekha Kewat, aged about 60 years, resident of village Beldariya Tola, Chewara, P.S Chewara & District Sheikhpura.

.....Accused/petitioner.

Versus

The State of Bihar:-

O.P.

For the petitioner:-

Sri M.M Khan, Advocate.

For the state:-

Sri Sanjay Kumar,

Add.P.P.

ORDER

12.12.2022 Bail petition has been filed on behalf of accused/petitioner namely Ganna Kewat, who is languishing in judicial custody since 06.12.2022 in connection with Excise Case No. 640/2022 & Chewara P.S Case No. 76/2022 registered for the offence punishable U/s 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 pending in this Court.

Heard the learned lawyer for the petitioner and the learned A.P.P. for the State.

The prosecution story in brief is that on 29.11.2022 at about 15:35 O'clock when the informant along with some Police personnel were on patrolling duty against illegal trade of liquor. During patrolling duty, informant received secret information that accused Ganna Kewat, S/o Lekha Kewat used to keeping and selling countrymade liquor after informing higher authority. He committed a raid along with some personal and reached near the place of occurrence and Police personnel seized 5 liters countrymade liquor. Accordingly, seizure list was prepared from the place of occurrence.

The learned lawyer for the petitioner submitted that Petitioner is quite innocent and has not committed any offence and he has been falsely implicated in this case. Learned defence counsel further submitted that no other bail application either anticipatory or regular bail is filed by this petitioner

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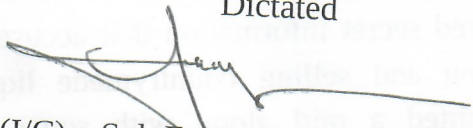
either before your honour's Court or before Hon'ble High Court. Learned defence counsel pointed out that he bears one criminal antecedents i.e Excise Case No. 176/2021 and nothing has been seized from the possession of the accused/petitioner and she is ready to obey each and every directions of your honour's Court, accordingly prayer for bail has been made.

The learned A.P.P. for the State vehemently opposed the prayer of bail and submitted that the accused/petitioner is in the business of liquor which is banned in the State of Bihar. He submitted that 5 liters country made liquor recovered which clearly shows that the petitioner was indulging in business of liquor and sale of liquor, accordingly prayer has been made to reject the bail petition filed on behalf of the accused/petitioner as named above.

Heard rival contentions and perused the case record. From perusal of case record, it appears that the accused petitioner was indulging in the sale of liquor and there is recovery of 5 liters countrymade liquor from the place of occurrence. It has been mentioned in para no. 3 of bail application that one case is pending against the accused petitioner i.e Excise P.S Case No. 176/2021.

Considering the facts and circumstances of the case and submission of the learned counsel of the parties and period of judicial custody and small quantity of liquor, bail petition of the accused petitioner namely Ganna Kewat stand allowed bail after furnishing bail bond of Rs. 10,000/- with submission of two sureties of the like amount each with a condition that one of the bailor shall be close relative of the accused petitioner. Accused petitioner file an undertaking before the Court that accused petitioner will not indulge in such type of offences again.

Dictated


(I/C) Spl. Excise Judge, Sheikhpura
12.12.2022