

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.285 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- RAJAOLI District- Nawada

1. Sanjay Yadav S/o Munshi Yadav,
 2. Kapil Yadav S/o Ganauri Yadav,
 3. Arjun Prasad @ Arjun Yadav S/o Ganauri Yadav,
 4. Umesh Yadav S/o Ramswaroop Yadav,
- All are resident of Village- Mohkama, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

This is an application for grant of anticipatory bail of
aforesaid petitioners who are apprehending their arrest in
connection with Rajauli P.S. Case No. 191 of 2021 registered
for the offences punishable under Sections 30(a)(d) and 41 of
the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the
present anticipatory bail petition qua the petitioner nos. 1 and 2



has become infructuous, therefore, may be permitted to withdraw and not press qua the petitioner nos. 1 and 2.

Permission is accorded.

Accordingly, the present petition qua the petitioner nos. 1 and 2 stands dismissed as not pressed.

As per F.I.R., allegation is that on secret information police reached at the bank of Mohkama river where illegal country made *Mahua* liquor was preparing and selling, 200 liter country made *Mahua* wine was recovered and on seeing the police accused persons succeeded to flee away by taking advantage of bushes.

Learned counsel for the petitioner nos. 3 and 4 (hereinafter referred to as the 'petitioners') submits that illegal liquor is said to be recovered from open place situated at the bank of Mohkama river and the petitioners have no any concern with the place of occurrence, there houses are situated far away from the place of seizure and the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners that they fled away from the spot. He has further submitted that the petitioners have got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of



anticipatory bail application of the petitioners, however, he has conceded that the recovery of illegal liquor is from the open place.

Having heard learned counsel for the parties and considering the nature of allegation against the petitioner nos. 3 and 4, recovery made from open place and petitioner nos. 3 and 4 have no criminal antecedent, let the petitioner nos. 3 and 4, above named, in the event of their arrest/surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge, Nawada in connection with Rajauli P.S. Case No. 191 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

ved/-

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