

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34389 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BACHHWARA District- Begusarai

MATUKI YADAV @ MTUKI YADAV Son of Late Akshya Yadav Resident
of village - Begam Saray, ward no. 2, Rani - 2, P.S. - Bachhwara, Distt. -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard Mr. Sandip Kumar Gautam, learned counsel for
the petitioner and the State.

The petitioner is apprehending his arrest in connection
with Bachhwara P.S. Case No. 34 of 2023 for the offence under
Sections 30(a) of Bihar Prohibition and Excise Act, 2018
lodged on 06.02.2023 by the informant, Arvind Kumar Suman.

As per the prosecution story, the Police raided the
place of one Matuki Yadav and Parmanand Sahni and although
the accuseds managed to escape from the hut, 31 liters of
country-made mahua liquor kept in different plastic containers
were seized. Accordingly, the F.I.R.

It is the case of the petitioner that the alleged recovery
is from the hut which is at open place and further, the petitioner



was not at the spot.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the fact that the alleged recovery is from the hut, which is at open place, as stated by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai, in connection with Bachhwara P.S. Case No. 34 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

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

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

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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