

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68045 of 2023**

Arising Out of PS. Case No.-15 Year-2023 Thana- HISUWA District- Nawada

NAWLESH KUMAR MAHENDRA YADAV RESIDENT OF VILLAGE  
CHITARGHATT, PS HISUA, DISTT- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate  
For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-10-2023                      Heard Mr. Vibhuti Ranjan Sonvadra, learned counsel  
  
for the petitioner as well as Ms. Asha Devi, learned Additional  
  
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Hisua P.S. Case No.15 of 2023, F.I.R. dated 11.01.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. There has been recovery of 25 liters of countrymade liquor.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case merely on the ground that the recovery has been made from the motorcycle in question and the petitioner is owner of the said motorcycle. He further submits that in fact the petitioner had given his motorcycle to one Amit Kumar @ Bambam who is



happens to be brother-in-law of the petitioner and said Amit Kumar @ Bambun was arrested along with the illicit liquor. He further submits that the petitioner has no concern at all with the alleged recovery of the illicit liquor and there is non compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the petitioner referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submits that this application seeking pre-arrest bail would not be maintainable. Further submits that petitioner has carries one more criminal antecedents other than the present one, but fairly submits that in that case petitioner is on bail.

6. This Court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav Vs. State of Bihar** reported in **2019 (2) PLJR 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts and submission of the learned counsel for the petitioner, let the petitioner, above



named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Ist, Nawada in connection with Hisua P.S. Case No.15 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However,



the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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