

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74438 of 2022**

Arising Out of PS. Case No.-444 Year-2021 Thana- RAJAOLI District- Nawada

MUNNA YADAV S/O UMESH YADAV Resident of village- Pahwachak,  
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.Gulnar Begum,APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      07-02-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner apprehends his arrest in connection with Rajauli P.S. Case No. 444 of 2021 for the offence registered under Sections 30(a)(d) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police during patrolling reached Hathochak forest and recovered/seized 40 litres country made 'Mahua' and 2000 fermented 'Jawa Mahua'. The local 'chowkidar' gave the names of the accused which included the petitioner and accordingly the FIR was lodged.

Learned counsel for the petitioner submits that only because criminal antecedent (which he has brought on record by the supplementary affidavit), the 'chowkidar' has implicated



him, nothing has been recovered from his conscious possession.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the aforesaid facts that has come in the submission of the learned counsel for the petitioner as also that nothing has been recovered from his conscious possession rather the recovery/seizure is from the forest, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court-2, Nawada in connection with Rajauli P.S. Case No. 444 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his 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 one year to mark 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 the bail bonds;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

**(Rajiv Roy, J)**

Jagdish/Neha/-

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