

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47669 of 2015

Arising Out of PS.Case No. -110 Year- 2015 Thana -ATARI District- GAYA

=====

Upendra Prasad Dangi @ Upendra Prasad Son of Surendra Mahto, Resident
of Chhotki Saw, Police Station - Amas, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 03-11-2015

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

The petitioner apprehends arrest in Atari P.S.
Case No. 110 of 2015 dated 21.07.2015 instituted under
Sections 47 (f) 13 (f)/48 of the Bihar Excise Act, 1915 and Rule
2 (5)/3/5(kh)/18 of The Bihar Excise (Mahua Flowers) Rules,
2006.

The allegation against the petitioner is that he
was driving Tata 407 vehicle from which 2800 kgs. of Mahua
fruits have been seized.

Learned counsel for the petitioner submits that
the said fruit was purchased from Chatra in the State of
Jharkhand by another person where it is not a restricted item
and due to ignorance it was brought in Bihar where it is the
restricted item. Learned counsel submits that there is a
receipt of the said purchase and thus the same was not stolen

article and the consignment belonged to co-accused Kaushal Sao. Learned counsel for the petitioner submits that the petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the petitioner who was the driver and owner of the vehicle was required either to have valid papers with him at the time when the police had come and should not have fled away, which clearly goes to show that the act of the petitioner was not legal which prompted him to run away and further the receipt having been produced later indicates antedating for the purpose of setting up of a defence in the present case.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

Anand Kr.

U		T	
---	--	---	--