

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13323 of 2016

Arising Out of PS.Case No. -73 Year- 2015 Thana -AMBA District- AURANGABAD

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1. Sanjay Kumar S/o Hari Das Sao R/o Village - Malahipatti, P.S. - Arwal,
District - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Anant Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

5 11-05-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of Amba
P.S. case No. 73 of 2015, disclosing offences under Section 414 of
the Indian Penal Code and read with Rules 2(e), 3,8,15 and 18 of
the Bihar Excise(Mahua Flowers) Act, 2006.

Petitioner is not named in the First Information Report.

Briefly narrated, the case of the prosecution is that
from a Pick-up Van, 50 bags of Mahua flower each containing 50
Kg were seized. The occupants of the vehicle fled away but the
driver was apprehended after chase.

Learned counsel for the petitioner has submitted that no
offence under Section 414 of the Indian Penal Code is made out

on the basis of the allegation as contained in the First Information Report. He further submits that allegation as made in the First Information Report may constitute breach of the provisions under Rules 3,8,15 and 15 of the Bihar Excise (Mahua Flowers) Rules, 2006 but there is no direct allegation against the petitioner of any such violation. Petitioner has no criminal antecedent as stated in paragraph 3 of the application.

Considering the above, this application is allowed. Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in Amba P. S. Case No. 73/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

ArunKumar/-

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(Chakradhari Sharan Singh, J)