

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22684 of 2016

Arising Out of PS.Case No. -138 Year- 2016 Thana -JAHANABAD District- JEHANABAD

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1. Raja Prasad @ Raj Kumar S/o Sri Shridheshwar Rai Mohalla:- Sarai Road, P.S.:- Jehanabad, Distt:- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. B .N .Pandey, (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 09-08-2016 Heard both sides.

The petitioner apprehends his arrest in Jehanabad P.S. case No. 138 of 2016 under Section 272, 273, 414 of the Indian Penal Code and under Section 47(C) of the Excise Act.

The police raided the shop of the petitioner and recovered 180 Kg. of Mahua flowers.

Sri Ajay Kumar, the learned counsel for the petitioner, submits that Mahua flower is a cattle food. The petitioner was not preparing country made liquor from Mahua flower. No articles for preparing country made liquor were found. The seizure list does not contain signature of any independent witness although there are many shops situated by the side of shop of the petitioner. No offence under Section 272, 273, 414 of the

IPC is made out. Even no case under Section 47(C) of the Excise Act is made out for keeping Mahua flower without license. The rules for keeping Mahua flower has been made in the year 2006.

It appears that 180 Kg. of Mahua flowers were recovered from the shop of the petitioner.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Chief Judicial Magistrate, Jehanabad in Jehanabad P.S. case No. 138 of 2016, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration that it is a petty offence of keeping Mahua flowers and dispose of the bail petition, preferably, on the same day.

(Prabhat Kumar Jha, J)

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