

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25623 of 2016

Arising Out of PS.Case No. -317 Year- 2015 Thana -TEKARI District- GAYA

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Munna Kumar, Son of Rameshwar Yadav, Resident of village- Ghasi
Bigha, P.S. Belaganj, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satish Chandra

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav (APP)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 28-06-2016

Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under section 414 of the Indian Penal Code, sections 47(A)(F), 13(F) and 48 of the Excise Act and sections 3, 5(b) Rule 18 of the Bihar Excise (Mahua Flowers) Rules, 2006.

From a Tata 407 vehicle bearing registration No. BR 25-1262, 40 Kgs. Mahua Flower was recovered and the driver and Khalasi of the vehicle were apprehended leading to registration of the First Information Report. In course of investigation it transpired that the vehicle belongs to the petitioner.

It is submitted by the learned counsel for the petitioner that no recovery has been made from the possession of the petitioner. The petitioner is simply owner of a public carrier and

this is not the prosecution case that the petitioner was in the vehicle when the Mahua Flower was being transported or the petitioner had knowledge of transportation of Mahua. Statement has been made in paragraph 3 of the application that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within a period of twelve weeks from today, 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 Judicial Magistrate, 1st Class, Gaya in Tekari P.S.Case No. 317/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Surendra/-

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