

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31240 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -BIHTA District- PATNA

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Balmiki Prasad Son of Keshav Sao @ Keshav Sah resident of Mohalla-
Jakkanpur near D.V.C. Chowk, Police Station- Gardanibagh, District-Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Dr.. Amrendra Kumar, Advocate

For the State : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 10-08-2016 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offences punishable under sections 414 and 120(B) of the Indian Penal Code, sections 47/48 of the Excise Act and sections 2, 3 and 4 of the Mahua Flower Control Act.

As per the allegation, in a pick-up van, which belongs to the petitioner, Mahua flower was being unloaded from a truck and eleven bags of such Mahua flower were being passed by the pick-up van.

It is contended on behalf of the petitioner that the driver had gone to deliver some consignment to Ara and while returning, it appears that he had received some other consignment. It is also urged that the occurrence is of 4th

January, 2016, therefore, it will be guided by the old law as the amended provision of sections 47/48 of the Excise Act came into force with effect from 1st April, 2016.

Learned counsel for the State has submitted that 11 bags of Mahua flower have been recovered from the pick-up van which was being driven by the driver who was apprehended on the spot but he also admits that the old provisions of the Excise Act would be applicable in the present case, not the amended one which came into force from 1st April, 2016. The petitioner claims that his antecedent is clean.

Having regard to the facts and circumstances of the case, let the abovenamed petitioner, namely, Balmiki Prasad, be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Bihta Police Station Case No. 13 of 2016 on furnishing bail bonds of Rs.10,000/- (Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Danapur, subject to the conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure with a further condition that if the petitioner, after his release in this case, is again found to be involved in criminal case of similar nature, the court concerned

would be at liberty to take steps for cancellation of his bail bonds.

(Dr. Ravi Ranjan, J)

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