

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25637 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -BIHTA District- PATNA

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Ram Surat Sao @ Ram Surat Sah Son of Late Laljee Sao Resident of
village - Dewari, P.S. Adhaura, District - Kaimur (Bhabua)

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 29-06-2016

Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under sections 414, 120B of the Indian Penal Code, sections 47, 48 of the Bihar Excise Act and Rules 2, 3, 4 of Bihar Excise (Mahua Flowers) Rules, 2006.

Prosecution case is that the informant being S.H.O. of Bihta Police Station received an information that on a Pickup Van Mahua Flower is being transported. When the Pickup Van was intercepted it was found that five persons were standing in front of the said Pickup Van, who started fleeing away. The police arrested one of them, who disclosed his name Pramod Kumar as the driver of the vehicle. The driver of the vehicle disclosed that the material loaded at the Pickup Van is Mahua Flower and is being transported for preparing liquor. The apprehended accused

disclosed that Mahua Flowers belong to Lallu Sao, Kartik Sah, Ramakant Sao and Chhote Lal Sao. Consequently, 45 bags Mahua Flower, weighing 20 quintals 25 Kgs, were seized.

The petitioner has been roped in this case simply because he is the owner of the Pickup Van on which Mahua Flower was being transported and even assuming the fact that the driver disclosed that the Mahua Flower was being transported at the behest of Lallu Sao, Kartik Sah, Ramakant Sao and Chhote Lal Sao, no case is made out against the petitioner. This is not the case of prosecution that the petitioner had any knowledge of transportation of Mahua Flower on his Pickup Van.

Considering the fact that the petitioner is simply the owner of a public carrier and he was not present in the Pickup Van when recovery was made, 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 Addl. Chief Judicial Magistrate, Danapur, Patna in Bihta P.S. Case No. 16/2016, 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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