

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53074 of 2016

Arising Out of PS.Case No. -199 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
BANKA

=====

1. Laxman @ Bonga Yadav Son of Late Panchu Yadav, Resident of
Village- Garuwa, P.S.- Katoriya (Suiya), District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.07.2016 in connection with Case No. C-7/199/2016 registered
for the offences punishable under Sections 47(a)(c) and (e) of the
Bihar Excise Act and under Section 3 of the Bihar Mahua Flower
Rules.

The prosecution case, as lodged by the excise
officials, is that the house of the petitioner was searched and from
there 20 kgs. dry Mahua, 30 kgs. chulai Mahua and 40 kgs. soaked
Mahua was found, although seizure-list has been prepared only for
20 kgs. dry Mahua.



It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal history and Mahua plant and flower was out of his Mahua tree. It is submitted that nothing incriminating has been recovered from his possession and that no offence under the provisions of Excise Act is made out against him.

However, learned A.P.P. for the State submits that the petitioner is named accused, hence, opposes the prayer for bail. Be that as it may, considering the facts and circumstances and submission of the parties and the period of custody, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Case No. C-7/199/16.

(Nilu Agrawal, J)

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