

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4147 of 2017

Arising Out of PS.Case No. -18 Year- 2011 Thana -GOVERNMENT OFFICIAL COMP. District-
KATIHAR

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1. Babloo Tuddu Son of Thakur Tuddu Residents of Village- Bathna, Police
Station- Mansahi, District- Katihar.

.... 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. Sri Atul Chandra

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

2 17-02-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of C.I. Case No. 18 of 2011, disclosing offences under
Sections 47(a), (f) read with Section 3(f), 48 of the Excise Act as
well as Rule 2(C), 3, 5(B) and 18 of the Bihar State Mahuwa
Flower Rules.

According to the prosecution, 720 Kgs. Mahuwa
flower, kept in 18 gunny bags, have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner has submitted that
the petitioner, who is of clean antecedent, belongs to scheduled
tribe community and have not committed any offence. Nothing



has been recovered from the house of this petitioner. Moreover, the seizure list prepared in this case is in violation of Section of 100 Cr.P.C. as the same does not contain signature of the petitioner nor it has been prepared in the presence of local witnesses, which is a mandatory provision. Hence, the petitioner deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case and the nature of accusation, let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Katihar, in connection with C.I., Case No. 18 of 2011, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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