

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60910 of 2017

Arising Out of PS. Case No.-558 Year-2017 Thana- SHERGHATI District- Gaya

Manish Kumar, Son of Late Baleshwar Yadav, Resident of Village- Nawadih,
Police Station- Dobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 414/34 of the I.P.C. and Section 30(D) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 600 kg of Mahua flower is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that total 600 kg of Mahua flower was recovered from the different vehicles of the accused. The petitioner is said to be the owner of the motorcycle in question. Only 40 kg of Mahua flower was said to have been recovered from a motorcycle.



Same was being taken for feeding the cattle. Mahua flower itself does not come within the category of intoxicant material. Hence, no offence under the Excise Act is made out. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Sherghati (Dobhi) P.S. case No.558 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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