

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60972 of 2017

Arising Out of PS. Case No.-603 Year-2017 Thana- BARACHATTI District- Gaya

Harendra Kumar, Son of Bahra Mishtri, Resident of village- Kahudag, P.S.-
Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. Chandrasen Prasad Singh

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 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 245 kg of Mahua flower is recovered from a Bolero.

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. The name of the petitioner has come on the basis of confessional statement of co-accused Baby Kumar made before police as per F.I.R. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged



that 245 kg of Mahua flower is recovered from a Bolero. Mahua flower itself is not an intoxicant material. Hence, no offence under the Excise Act is made out. 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 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 Excise Judge, Gaya in connection with Barachatti P.S. case No.603 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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