

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29682 of 2018

Arising Out of PS. Case No.-142 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

Pawan Singh @ Pawan Kumar @ Pawan Singh (Kahar) S/o Chamari Singh,
R/o Vill.- Shekhwara, P.S.- Magadh University , District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh
For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-05-2018 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) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 30 quintals 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. The name of the petitioner has come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 30 quintals of mahua flower is recovered



in this case. The mahua flower does not come within the meaning of intoxicant unless and until the same is put to fermentation. The case of the prosecution is not that the said flower was found in the state of fermentation. The mahua flower is used as cattle feed. Other co-accused has been granted bail vide Annexure-2 to this application. 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./complaint case.

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 Act, Gaya in connection with Magadh University P.S. Case No. 142 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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