

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12764 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

Ramdeo Yadav S/o Baidyanath Yadav @ Baijnath Yadav, R/o Village-
Ghantadih, P.S.- Magadh University, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Opposite Party/s : DR. INDIWAR KUMARI

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner is apprehending his arrest in a case registered under Sections 414,34 of the Indian Penal Code and Sections 30(a)(d), 32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 600 kg 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 transpired on the basis of disclosure made by the local residents. The name of local residents, who have named the petitioner, 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 600 kg mahua flower is recovered from the vehicle in question. Simply mahua flower does not come within the purview of intoxicant under Bihar Prohibition and Excise Act, 2016 until and unless the same has been converted into plain or spiced spirit. 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 Judge, Excise, Gaya in connection with Magadh University P.S. Case No. 06 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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