

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2113 of 2018

Arising Out of PS. Case No.-321 Year-2017 Thana- SHERGHATI District- Gaya

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Ritesh Kumar Yadav @ Ritesh Kumar S/o Gyanchand Prasad, R/o village
Bhaiya Bigha, P.S. Atri, District Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh
For the Opposite Party/s : Mr. AJAY KUMAR JHA

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-01-2018 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 I.P.C. and Sections 30(d) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 1680 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. The name of the petitioner has come on the basis of seized pick up van. The petitioner is said to be the owner of the vehicle in question. The vehicle in question is used as a public Carrier by the driver of the petitioner. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1680 kg of Mahua flower is recovered from a pick up van. The Mahua flower is not an intoxicant material, which is fit for human consumption. 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.321 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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