

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.18818 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -MAGADH UNIVERSITY District- GAYA

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1. Yugesh Yadav,
 2. Mukesh Yadav Both Sons of Rameshwar Yadav @ Nanhak Yadav, R/o Village- Dadpur, P.S.- Magadh University, District- Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sudhir Kumar Sinha, Advocate.

For the Opposite Party : Mr. Md. Ansarul Haque, A.P.P. 159.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-04-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30(a), (d) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 880 Kg. of Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been



implicated in the present case. It is alleged that total 880 Kg. of Mahua Flower is recovered from there different vehicles. The Mahua Flower does not come within the meaning of intoxicant. Hence, offence under the Bihar Prohibition and Excise Act, 2016 is not applicable in the present case. The name of the petitioners has come on the basis of disclosure made by seizure list witnesses. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Other co-accused has been granted bail by this Court vide Cr. Misc. No. 16845 of 2018 dated 23.03.2018.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Gaya, in connection with Magadh University P.S.



Case No. 12 of 2018, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

