

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23820 of 2018

Arising Out of PS. Case No.-85 Year-2018 Thana- BODHGAYA District- Gaya

Ram Pravesh Yadav son of Gayani Yadav resident of village - Jarahara, P.O. Moratal, P.S. - Bodh Gaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-04-2018 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) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 80 kg mahua flower is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is made from the motorcycle of the petitioner. The said motorcycle was given by the petitioner to the co-villager for his personal use. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 80 kg mahua flower is recovered from the motorcycle. The mahua flower in question does not come within the definition of intoxicant. Hence, no offence under the Bihar Prohibition and 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 Judge, Excise, Gaya in connection with Bodh Gaya P.S. case No.85 of 2018, 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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