

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29265 of 2018

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

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Kailash Yadav, Son of Late Sohar Mahto, Resident of Village- Shekhwara,
P.S.- Magadh University, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

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

For the State : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 10-05-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The prosecution story, in brief, is that total 30
quintals of Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 30 quintals of Mahua Flower is
recovered from a Pick-up van in question. The Pick-up van in
question does not belong to the petitioner. The Mahua Flower does
not come within the meaning of intoxicants until and unless the



same is fermented. The name of the petitioner has come on the basis of secret information as per the 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. 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 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) 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. 142 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)