

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35395 of 2018

Arising Out of PS. Case No.-300 Year-2018 Thana- BODHGAYA District- Gaya

Raghu Saw @ Raghu Sah , Son of Sri Husaina Saw, Resident of Village-
Gapha Khurd, P.S. -Bodh Gaya, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Prithvi Raj Singh, Advocate

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 03-07-2018 Heard Sri Prithvi Raj Singh, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner, apprehending his arrest in connection with Bodh Gaya P.S. Case No. 300 of 2018, registered for the offence under Section 30(d) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the “Excise Act”) , has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner submits that it is true that from Kirana shop of the petitioner 15 Kg. *Mahua Flower* as well as 15 Kg. Gur (non- sugar) was recovered. The petitioner was not involved in any offence relating to Excise Act . Learned counsel for the petitioner tried to persuade the court that under Excise Act keeping *Mahua* is no offence.



The Court is of the opinion that if petitioner feels that F.I.R. itself is not maintainable, he may avail appropriate remedy. At least this Court is of the opinion that cognizable offence is made out against the petitioner and from his shop recovery has been affected.

The anticipatory bail petition stands dismissed.

(Rakesh Kumar, J)

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