

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40471 of 2018

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Sanjay Saw, S/o Late Shivdutt Saw, Resident of Mohalla- Vrindawan
Colony, P.S.- Phulwari Sharif, District- Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Jai Narain Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 23-07-2018 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 2 (e), 3 of Mahua Flowers
Rule, 2006 and 30(d) of the Bihar Prohibition and Excise Act,
2016.

The prosecution story, in brief, is that total 680 Kg.
Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total 680
Kg. Mahua Flower is recovered from Pick-van in question. The
Pick-up Van in question does not belong to the petitioner. The
name of the petitioner has come on the basis of disclosure made



by the local residents as per the F.I.R. The name of the local residents, who have named the petitioner, 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, Patna, in connection with SPL Case No. 818 of 2018, arising out of Naubatpur P.R. No. 59/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)