

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42283 of 2018

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Mahesh Manjhi S/o Sumaru Manjhi, R/o Vill.- Gowarbigha, P.S.- Bodh
Gaya, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-07-2018 Heard learned counsel for the petitioner and learned APP for
the State.

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

The prosecution case, in short, is that 100 kg. Mahua
flower is recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The name of
the petitioner has transpired on the basis of recovery made from
joint under-constructed house of the petitioner. Except for this,
there is no other substantive evidence to suggest the implication of
the petitioner in this case. It is alleged that 100 kg. Mahua flower



is recovered from joint under-constructed house. Recovered Mahua flower was not found in fermented state. Hence, the same does not come within the meaning of intoxicant and the provisions of Excise Act will not be applicable in the present 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.

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 Excise Judge, Gaya in connection with Bodh Gaya P.S. Case No. 357 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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