

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 62669 of 2018

Arising Out of PS. Case No.-268 Year-2018 Thana- Belaganj District- Gaya

Chintu Kumar @ Chintoo Kumar, Son of Ramdeo Paswan, Resident of
Village- Khaneta, P.S.- Belaganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 08-10-2018 Heard Sri Sanjay Kumar Jha, learned counsel for the
petitioner and Sri Bal Mukund Prasad Sinha, learned Addl.
Public Prosecutor.

The sole petitioner, apprehending his arrest in Belaganj P.S. Case No. 268 of 2018 registered for offence under Section 30(d) of Bihar Prohibition and Excise Act, 2016 and Rules 2(e), 3, 5(b), 18, 42 of Mahua Flower Niyamabali (i.e. Bihar Mahua Flower Rules, 2006), has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner, at the very outset, has drawn my attention to statement made in paragraph – 3 of the petition to show that petitioner is having clean antecedent. He further submits that it is true that petitioner is owner of a pick-up van, which is a public carrier vehicle, from which huge



quantity of mahua flowers was shown to be recovered and driver of the vehicle was arrested. It has been argued by learned counsel for the petitioner that driver, without knowledge or consent of the petitioner, was carrying mahua flowers. Even the driver, who was arrested, has not stated before the police that petitioner was having any knowledge of such transportation or not.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail.

However, considering the fact that the vehicle was a public carrier vehicle and driver has not at all stated before the police that mahua flowers were kept in the vehicle, as per instruction or direction of the petitioner as well as the fact that petitioner is having clean antecedent, which fact has been stated in paragraph – 3 of the petition, there is no reason to refuse the prayer for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Chintu Kumar @ Chintoo Kumar be enlarged on bail on furnishing bail-bond 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 Belaganj P.S.



Case No. 268 of 2018, subject to condition as laid down under
Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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