

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50675 of 2018

Arising Out of PS. Case No.-297 Year-2015 Thana- BARACHATTI District- Gaya

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Pankaj Kumar S/o Mahendra Prasad Resident of Village- Fatehpur, P.S.
Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath

For the Opposite Party/s : Mr. Sanjay Kumar

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 28-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Barachatti (Mohanpur) P.S. Case no. 297 of 2015 registered for the offence punishable under Section 414 of I.P.C., Sections 2(E), 3, 5(D), 18 of Mahua Flower Act 2006 and Sections 47(F), 13(F), 48 of the Bihar Prohibition and Excise Act, 2016.

600 Kg. of Mahua flower is said to have been recovered from tempo and as per account of villagers, petitioner, who happens to be owner-cum-driver of the said tempo managed to escape.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern either with the seized article or with the tempo in question. He neither happens to be owner nor driver of the said tempo. He was not apprehended on the spot. There is no compliance of Section 100 Cr.P.C. The identity and genuineness of source of information has not been mentioned in the written report. He has no criminal antecedent. He has been languishing in custody since 17.07.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on 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, Gaya in connection with Barachatti (Mohanpur) P.S. Case no. 297 of 2015.

(Prakash Chandra Jaiswal, J)

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