

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27992 of 2018

Arising Out of PS.Case No. -239 Year- 2018 Thana -BARACHATTI District- GAYA

Permishwar Prasad @ Permishwar Mahto, S/o Late Gyani Mahto, R/o Vill.- Musehani, P.S.- Barachatti, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Advocate.

For the State : Mr. Ashok Kumar Singh 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 07-05-2018 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 Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 10 quintals Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 10 quintal Mahua Flower is recovered from car in question. The Mahua Flower does not come within the definition of intoxicant. There is no accusation that the Mahua Flower was fermented and it was made intoxicant. The name of



the petitioner has come on the basis of recovery made from the car in question belongs to the petitioner. The petitioner is alleged to be the owner of the car in question. The said car is run as a Taxi by the driver of the petitioner. 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 the Special Judge, Excise Act, Gaya, in connection with Barachatti P.S. Case No.-239 of 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)