

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49751 of 2018

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Mithlesh Kumar @ Mithilesh Kumar, S/o Talkeshwar Yadav, Resident of
Village- Mahkar, P.S.- Dobhi, District- Gaya.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Onkar Nath

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-08-2018 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(d) & 56(d) of the Bihar Prohibition and Excise Act, 2016 and Sections-2(e), 3, 5 & 13 of the Mahua Flower Rule, 2006.

The prosecution case, in short, is that 40 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 as the vehicle in question belongs to 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 40 Kg. Mahua flower is recovered from the vehicle in question. The said vehicle is run as a public carrier by driver of the petitioner. 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 5th Additional District Judge-cum-Special Excise Judge, Gaya in connection with Excise (Sherghati) Case No. 233 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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