

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12447 of 2018

Arising Out of PS.Case No. -374 Year- 2017 Thana -SHERGHATI District- GAYA

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1. Jitendra Kumar, Son of Ramjee Yadav, Resident of Village-Bajitpur,
P.S.-Belaganj, District-gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer

For the Opposite Party/s : Mr. Smt. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018

Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in
connection with Sherghati (Dobhi) PS case no. 374 of 2017 registered
for the offences punishable under Sections 414/34 of Indian Penal Code
and 30(d) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1680 kgs. of
mahua flower from the pick up van of the petitioner.

The learned counsel for the petitioner submits that no
recovery has been made from the conscious possession of the
petitioner. It is further submitted that the petitioner is the owner of the
said pick up van but he had given the same on hire, as such he was not
having the knowledge as to what was being transported by the said pick
up van. It is further submitted that the petitioner has a clean antecedent.



Considering the nature of accusation and the fact that prima facie, no case is made out under the provisions of the Excise Act, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge (Excise), Gaya in connection with Sherghati (Dobhi) PS case no. 374 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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