

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46030 of 2018

Arising Out of PS. Case No.-79 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Pappu Yadav, Son of Jhari Yadav, Resident of Village- Kendua, Police
Station- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Rajkishore Singh

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

ORAL ORDER

3 27-08-2018 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Excise
Case no. 79 of 2018 registered for the offence punishable under
Sections 2 (E), 3, 5 and 13 of Mahua Flower Act-2016 and
Section 30(d) of Bihar Prohibition Excise Act, 2016.

800 Kg. of Mahua flower kept in the bag is said to
have been recovered from Tavera vehicle and the petitioner who
is said to be its driver was apprehended.

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 with the
seized article. The petitioner happens to be driver of the vehicle



in question and was plying the same as per instruction of its owner without any knowledge of keeping of the aforesaid article in the bag by its owner in the vehicle. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 29.05.2018.

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 Excise Case no. 79 of 2018.

(Prakash Chandra Jaiswal, J)

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