

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27541 of 2018

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Sonu Saw, son of Ram Balak Saw, Resident of Village - Abharan Chak,
P.S. Naubatpur, District - Patna..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Humayou Ahmad Khan, APP.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

4 09-07-2018

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 Sections 2(e), 3 of Mahua Flowers Rule, 2006 and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 680 Kg of 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 680 Kg Mahua Flower is recovered from the pick-up van in question. The pick-up van in question does not belong to the petitioner. The name of the petitioner has



come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents, who have named the petitioner, has not been disclosed by the prosecution. 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 Special Judge, Excise, Patna, in connection with SPL Case No. 818 of 2018 arising out of P.R. No. 59 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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