

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16845 of 2018

Arising Out of PS. Case No.-12 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

1. DHARMENDRA KUMAR @ DHAMENDRA KUMAR
2. Sonu Kumar @ Jhaman Yadav both son of Birju Yadav Resident of Village - Dadpur, P.S. - Magadh University, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : SMT. VEENA RANI PRASADD.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-03-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 30(a)(d) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 880 kg mahua flower is recovered.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The names of the petitioners have transpired on the basis of disclosure made by the seizure list witnesses. The said seizure list witnesses are of different resident than that of the petitioner. The mode of identification has not been disclosed by the said witnesses in question. Except for this,



there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged that 880 kg mahua flower is recovered from three different vehicles. None of the vehicles belongs to the petitioner. The mahua flower does not come within the meaning of intoxicant. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners 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 petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Magadh University P.S. Case No. 12 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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