

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14018 of 2018

Arising Out of PS. Case No.-45 Year-2018 Thana- BARACHATTI District- Gaya

Md. Shahbaz Alam S/o Md. Asad Alam, r/o Village- Gajragadh, P.S.-
Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikhilesh Kumar

For the Opposite Party/s : Mr. SANJAY KUMAR SHARMA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the
offences under Section 30(d) of the Bihar Prohibition and
Excise Act, 2016.

Prosecution case, in short, is that 1500 kg mahua
flower is recovered.

It has been submitted on behalf of the petitioner that
the petitioner is in custody since 15.01.2018 and has got no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. It is alleged that 1500
kg mahua flower is recovered from the pick up van. The
petitioner is alleged to be driver of the said pick up van. Learned
counsel further submits mahua flower does not come within the



meaning of intoxicant. Hence, no prosecution could be initiated under the provisions of the Bihar Prohibition and Excise Act, 2016. 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, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Gaya in connection with Barachatti P.S. Case No. 45 of 2018.

(Sudhir Singh, J)

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