

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40519 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Patna

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Kesho Kumar, son of Rohan Ravidas, resident of Village- Manijor, Post
Office Gahri Vishanpura, Police Station Khaira, District Jamui.

... .. Petitioner/s

Versus

The State of Bihar through the Commissioner of Excise, Department of
Prohibition & Excise, Govt. of Bihar, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Kumar Prasad

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 2(e) and 3 of Bihar Excise (Mahua Flowers) Rule, 20016 and Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 570 kg mahua flower is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is made from the tempo belonging to the petitioner. The said tempo is run as public carrier by the driver



of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 570 kg mahua flower is recovered from the tempo in question. 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.

Considering the aforesaid facts and circumstances, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with P.R. No.100 dated 28.03.2018/Spl. Case No.2885 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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