

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51153 of 2018

Arising Out of PS. Case No.-186 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

=====

Akhtar Parvej son of Sri J. Hussain, resident of village/Mohalla Gudari Bazar,
Chatra, Police Station Chatra, District Chatra, Jharkhand

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh
For the Opposite Party/s : Mr. Dr. Ajeet Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-08-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(d) of the Bihar Prohibition and Excise Act, 2016 and Sections 2(e), 3, 5, 13 of Mahua Flower Act, 2016.

The prosecution case, in short, is that 1800 kg mahua flower is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the petitioner is the owner of the pick up van in question. The said pick up van is run as public carrier by the driver of the petitioner. The petitioner had no knowledge regarding the nature of goods kept in the van. Except for this, there is



no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 1800 kg mahua flower is recovered from the pick up van in question. The mahua flower itself does not come within the meaning of intoxicant, until and unless the same is fermented. 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, Gaya in connection with Excise Case No.186 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--

