

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18038 of 2018

Arising Out of PS.Case No. -131 Year- 2017 Thana -SONO District- JAMUI

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1. Ranjeet Paswan, S/o Kaleshwar Paswan,
2. Lato Paswan S/o Bhikhari Paswan,
3. Rambilas Paswan S/o Gopal Paswan, All are R/o Village- Pairamatiyana,
P.S.- Sono, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2018 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections-272 & 273 of the Indian Penal Code and Sections-30(a) (c) (d) and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 60 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 as the alleged recovery is said to have been made from the open land in question which belongs to the petitioners.



Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 60 kg. Mahua flower is recovered from open field in question situated in forest area. The Mahua flower does not come within the definition of intoxicants. Hence the provision of Excise Act will not be applicable in the case of the petitioners. 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.

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 ACJM-Ist, Jamui in connection with Sono P.S. Case No. 131 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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