

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.10520 of 2018**

Arising Out of PS.Case No. -33 Year- 2018 Thana -BODHGAYA District- GAYA

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BACHU YADAV @ BACHU KUMAR, S/O Seth Yadav, R/V- Khuti Kewal, P.S. Hantarganj, District-Chatra (Jharkhand).

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Kiran Sinha, Advocate.

For the Opposite Party : Mr. Manoj Kumar – 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

**ORAL ORDER**

2      22-02-2018                      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 21.01.2018 in a case for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 250 Kg. Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is alleged that total 250 Kg. Mahua Flower is recovered from four wheeler vehicles in question. The Mahua Flower does



not come within the definition of intoxicant. The name of the petitioner has come on the basis of alleged recovery made from the vehicles in question. 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, let 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 the learned Special Judge, Excise, Gaya, in connection with Bodh-Gaya P.S. Case No. 33 of 2018.

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(Sudhir Singh, J)

