

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12855 of 2018

Arising Out of PS. Case No.-175 Year-2017 Thana- AMAS District- Gaya

Binod Kumar, son of Shambhu Prasad, resident of village- Kasiyadih,
Karamdih, P.O.- Dariaura, P.S.- Amas, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : SMT. VEENA KUMARI JAISWAL

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 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.

The prosecution case, in short, is that 750 kg mahua flower is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as being the owner of the tempo in question. The said tempo is used 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 750 kg mahua flower is recovered. Mahua flower itself does not come within the purview of intoxicants under the Bihar Prohibition and Excise Act, 2016, unless and until the same is converted into plain and spiced spirit. 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.

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 Amas P.S. case No.175 of 2017, G.R. No.1695 of 2017, 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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