

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6344 of 2018

Arising Out of PS. Case No.-113 Year-2017 Thana- BELAGANJ District- Gaya

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Dipu Sao son of Badri Sao, resident of village Bela Bazar, Police Station
Belaganj, District Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramashish

For the Opposite Party/s : Mr. Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C., Section 2(3)/3/5(B) of Bihar Mahua Flower Niymawali and 30(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 200 kg of 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 come on the basis of disclosure made by the local Chaukidar as per F.I.R. The name of local Chaukidar, who have named the petitioner, has not been



disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 200 kg of mahua flower is recovered from the side of the road. The mahua flower does not come within the meaning of intoxicant. 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 Belaganj P.S. case No.113 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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