

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38375 of 2018

Arising Out of PS. Case No.-187 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Vijay Kumar, S/o Sukh Dev Yadav @ Sukhadev Yadav, Resident of Village-
Matihanipurvi, P.S- Magadh University, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 07-08-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Excise
Case no. 187 of 2018 registered for the offence punishable
under Sections 30(d), 56(d) of the Bihar Prohibition and Excise
Act, 2016 and Sections 2(e) and 3, 5 and 13 of Mahua Flower
Rule 2006.

360 Kg. Mahua flower is said to have been
recovered from Maruti-800 car and petitioner, who happens to
be its driver was apprehended while one other accused managed
to escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious



physical possession of the petitioner. He has no concern either with the seized article or with the vehicle in question. He has been falsely implicated in this case by the police merely on suspicion while he was passing through the place of occurrence at the time of occurrence and real culprits managed to escape leaving aforesaid Mahua flower laden car seeing personnel of Excise Department. Petitioner does not happen to be driver of the said car. He has no criminal antecedent. He has been languishing in custody since 20.05.2018.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged 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 Excise Case no. 187 of 2018.

(Prakash Chandra Jaiswal, J)

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