

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41223 of 2018

Arising Out of PS. Case No.-340 Year-2018 Thana- SHERGHATI District- Gaya

Munna Chaudhary Son of Karu Chaudhary, resident of Village- Barbandhu Bigha, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-07-2018 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 IPC and 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 15 kg mahua flower is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired as the alleged recovery is made from the joint house of the petitioner where the other family members also reside. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 15 kg mahua



flower is recovered from the joint house of the petitioner. The said mahua flower was not found in fermented state. Hence it would not come within the definition 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 Excise Judge, Gaya, in connection with Sherghati P.S. Case No. 340 of 2018, 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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