

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20209 of 2018

Arising Out of PS. Case No.-501 Year-2017 Thana- DHANARUA District- Patna

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Santosh Kumar @ Santosh Saw son of Gauri Shankar Saw @ Gauri Shankar Gupta, resident of village Vishwanath Mandir road, Lakhibagh, P.S. Masaurhi, District Patna (address wrongly mention at F.I.R.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(D) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1000 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 transpired as the alleged recovery is made from the shop 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 1000 kg of mahua flower is recovered. Mahua flower does not come within the meaning of intoxicant. The same was being kept as cattle feed. No offence under the Bihar Prohibition and Excise Act, 2016 is made out in the present case. 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 Spl. Judge, Excise, Patna in connection with Dhanarua P.S. case No.501 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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