

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55038 of 2018

Arising Out of PS. Case No.-451 Year-2018 Thana- BARACHATTI District- Gaya

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1. Vikash Kumar son of Jagdish Yadav resident of village - Bara, P.S. Mohanpur, Dist. - Gaya.
 2. Santosh Kumar son of Deonath Mistri resident of village - Bara, P.S. Mohanpur, Dist. - Gaya.
 3. Bindi Kumar son of Devendra Yadav resident of Village Jarlahi, P.S. Mohanpur, Dist. Gaya.
 4. Upendra Kumar son of Jageshwar Yadav resident of Village Thelwa Tar, P.S. - Mohanpur, Dist. Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh
For the Opposite Party/s : Mr. Sri Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case instituted for the offences under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 300 kg mahua flower is recovered.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 10.7.2018 and have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 300



kg mahua flower is recovered. The mahua flower does not come within the meaning of intoxicant until it is fermented. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 451/2018.

(Sudhir Singh, J)

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