

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5067 of 2019

Arising Out of PS. Case No.-726 Year-2018 Thana- BODHGAYA District- Gaya

Gariban Chaudhary (male) aged about 35 years, Son of Late Jagdish Chaudhary, Resident of Village - Paschimi Nawa, P.S. - Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the house of the petitioner, 50 Kg of Mahua flower, kept in two bags were recovered.

It is submitted by learned counsel for the petitioner that Mahua flower does not come within the category of alcohol. It is further submitted that Mahua flower is used for the purpose of feeding cattle. Moreover, the recovery has been made from the joint family house of the petitioner. A statement has been made in paragraph no.3



of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that recovery has been made from the house of the petitioner.

Considering the nature of recovery, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge (Excise), Gaya in connection with Bodh Gaya P.S. Case No. 726 of 2018. subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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