

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13381 of 2019

Arising Out of PS. Case No.-631 Year-2017 Thana- BARACHATTI District- Gaya

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1. Rashmi Devi, Wife of Ruplal Singh Bhogata, Resident of Village-Bighi Tola-Manfar, P.S.-Barachatti, District-Gaya.
2. Anil Yadav, Son of Dhanu Yadav, Resident of Village-Chando, P.S.-Barachatti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-04-2019 Heard learned counsels for the petitioners and the State.

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

The prosecution case is that on a secret information that huge quantity of Mahua flower is being carried through a Magic van, the said vehicle was intercepted, but the driver of the alleged vehicle managed to flee away. From the alleged vehicle, 350 Kg of Mahua flower were recovered. It is alleged that petitioner no.1 is the owner of the alleged vehicle and petitioner no.2 is the driver of the same.

It is submitted by learned counsel for the petitioners that



petitioner no.1, being a lady, was not present in the alleged vehicle when the seizure was made. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are the owner and driver, respectively, of the alleged vehicle from which the recovery has been made.

Considering the fact that prosecution case does not suggest that petitioner no.1 was present when the seizure was made, coupled with the statement made in paragraph no.3 of the petition that the petitioner no.1 is not having any criminal antecedent, let the above named petitioner no.1 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 Excise Judge, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 631 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

So far as petitioner no.2 is concerned, considering the nature of recovery and he being the driver, this Court is not inclined to grant him anticipatory bail.



However, learned Court below may consider the prayer for regular bail of petitioner no.2, if he surrenders within a period of six weeks.

(Dinesh Kumar Singh, J)

Amrendra/-

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