

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6808 of 2019

Arising Out of PS. Case No.-462 Year-2018 Thana- GOVERNMENT
OFFICIAL COMP. District- Gaya

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Sintu Kumar, male, aged about 28 years, Son of Kedar Prasad @ Kedar
Mahto, Resident of Village - Keshapi, Police Station- Dobhi, District- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manish Kumar No.2, Advocate.

For the Opposite Party: Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 30(a) and 56(d) of the Bihar Prohibition
and Excise Act, 2016 registered in connection with Excise Case
Case No. 462 of 2018.

3. It is submitted that the petitioner has been falsely
implicated in connection with recovery of 800 Kgs. of *mahua*
flower and one bottle of liquor of 750 ml. It is submitted that
mahua flower is used for cattle feed and does not come within
the ambit of Excise Act. The allegation of recovery of one bottle of
liquor of 750 ml. is super addition. The petitioner has been made
accused in one other case of similar nature.

4. Having regard to the alleged recovery of the



incriminating goods from the petitioner’s vehicle and in view of the provisions of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the anticipatory bail petition is dismissed as not maintainable. However in view of the submissions made, in case the petitioner surrenders and seeks for regular bail before the Court below, the same shall be considered and disposed of on the same day on its own merits.

(Vikash Jain, J)

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