

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12711 of 2019

Arising Out of PS. Case No.-152 Year-2017 Thana- MAGADH UNIVERSITY District- Gaya

Lakhan Yadav, aged about 41 years, Male, Son of Lala Yadav, Resident of
Village Kharona, P.S. Magadh Vishwavidalaya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kiran Sinha

For the State : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-03-2019 Heard both sides.

Petitioner apprehends his arrest in

MagadhVishwavidalaya P.S. Case No.152 of 2017, registered
under Section 414 of the Indian Penal Code and under Section
30(d) of Excise Act, 2016.

The S.H.O. of Magadh Vishvidayalaya Police Station

alleged that a Maruti Van was intercepted on the information
that Lakhan Yadav and Sunil Yadav were carrying Mahua
flower. On such the vehicle was intercepted but the petitioner
and Sunil Yadav managed to flee away.

Learned counsel for the petitioner submits that

carrying of Mahua flower does not come within the Bihar
Excise Act. Bihar Excise Mahua Flower Rules, 2006 prescribes
that if a person keeps Mahua flower for purpose of preparing



liquor, he has to obtain licence. It is submitted that similarly situated co-accused, Sunil Yadav has already been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.43117 of 2018. The case of the petitioner stands on the same footing.

The learned Additional Public Prosecutor however, opposed the prayer for anticipatory bail.

Having considered the facts that the petitioner was not arrested along with the vehicle and similarly situated co-accused has already been enlarged on anticipatory bail, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Magadh Vishwavidalaya P.S. Case No.152 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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