

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13634 of 2019**

Arising Out of PS. Case No.-265 Year-2018 Thana- NAWANAGAR District- Buxar *

SANTOSH KUMAR @ VINDHYACHAL Son of Late Gopal Seth Resident
of Village- Navanagar, P.S.- Navanagar, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha
For the Opposite Party/s : Mr.Umamnath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

2 06-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

This is an application for grant of regular bail filed on behalf of the petitioner. Petitioner is in custody in connection with Navanagar PS Case No. 265 of 2018 for the alleged offence punishable under Section 30(C) of the Bihar Excise (Amendment) Act, 2018 and Sections 3, 4, 5 and 6 of Bihar Excise (Mahua Flowers) Rules, 2006.

Learned counsel representing the petitioner would submit that 3 dabba of Mahua flower was recovered and the petitioner was arrested in the instant case in this connection. Learned counsel further submits that petitioner is a member of joint family and the mahua flower was used for fodder. He further submits that petitioner is in custody since 28.12.2018.



Considering the fact that mahua flower was recovered from the joint family house and petitioner is in custody since 28.12.2018, the Court is inclined to enlarge the petitioner on bail but at the same time is conscious of the fact that in the past also petitioner was made an accused in a similar case under the Excise Act. There Court is therefore constrained to impose some stringent condition while releasing the petitioner on bail.

Accordingly, let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Addl. District Judge -II cum Special Judge, Excise Act, Buxar in connection with Navanagar PS Case No. 265 of 2018 subject to the condition that one of the bailors should be the elected representative of the local body.

(Anil Kumar Upadhyay, J)

mrl./-

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