

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21378 of 2019**

Arising Out of PS. Case No.-2183 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. JALENDRA SAO @ BAUDHA, Male, aged about 33 years, Son of Ragho Saw Resident of Village - Gosaidih, P.S.- Hunterganj, District- Chatra (Jharkhand)
 2. Kamlesh Prasad, Male, aged about 29 years, Son of Krishna Deo Prasad Resident of Village - Chanda, P.S.- Barachatty, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha

For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 05-04-2019 Heard both sides.

The petitioners apprehend their arrest in Excise Case No.2183 of 2018 registered under Section 30(ga) of Bihar Prohibition and Excise Act and under Order 2(e), 3 5 and 13 of Mahua Flower Act.

The learned counsel for the petitioners submits that from perusal of the prosecution report, it would appear that place of search is in front of the house of Malo Devi and from there, Mahua flowers was recovered but the excise officials named the petitioners without having any material. It is further submitted that petitioners also filed complaint case. The Assistant Commissioner, Excise asked show cause from the



complainant about the false implication of the petitioners.

Taking into consideration the fact that Mahua flower was recovered near a pole situated in front of the house of Malo Devi and from the prosecution report it appears that names of the petitioners were inserted later on and nothing has been recovered from the possession of the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Excise Case No.2183 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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