

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17694 of 2019

Arising Out of PS. Case No.-403 Year-2017 Thana- BELAGANJ District- Gaya

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Dipu Kumar Sao @ Dipu Sao, son of Badri Sao, Resident of Village Beladih
P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramashish

For the Opposite Party/s : Mr.Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 16-07-2019 Heard learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Belaganj P.S. Case No.403 of 2017 for the offence punishable
under Section 30(B) of Bihar Prohibition of Excise Act, 2016
and Section 2(e), 3, 5(b), 18/42 of Mahua Full Niyamawali.

The allegation against the petitioner based upon the
First Information Report is that the police while on patrolling
duty intercepted three-wheeler (Tempo) and recovered total
quantity of about 450 k.g. of Mahua flower and driver of the
tempo was also arrested who disclosed that the tempo belongs to
the petitioner, Dipu Kumar Sao.

Learned counsel for the petitioner submits that
petitioner's named has been surfaced on the basis of statement



made by co-accused who was arrested being driver of the tempo and apart from this there is no material against the petitioner to connect with this offence.

Learned counsel for the petitioner further submits that the tempo in question does not belong to the petitioner and he has no concern with Mahua flower which has been seized from the tempo. In compliance of this Court order dated 26.03.2019, a letter bearing No.1583 dated 23.04.2019 has been received by the office of Sr.S.P., Gaya in which it has been mentioned that from the Chasis no. of the vehicle, it is not clear that who is the owner of the vehicle and from where this vehicle has been registered.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that petitioner is not the owner of the tempo from where Mahua flower has been recovered and further the name of the petitioner has transpired on the basis of the statement made by co-accused, accordingly, on perusal of the First Information Report, no prima facie case is made out against the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender



before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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