

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18752 of 2019

Arising Out of PS. Case No.-511 Year-2018 Thana- BARACHATTI District- Gaya

Shankar Yadav (M), aged about 55 years, Son of Parmeshwar Yadav, Resident
of Village - Ramchak, P.S.- Mohanpur, District- Gaya

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Onkar Nath, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 28-03-2019 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(d) of the Bihar Prohibition and Excise
Act, 2016 registered in connection with Barachatti (Mohanpur)
P.S. Case No. 511 of 2018.

3. It is submitted that the petitioner has been falsely
implicated merely because the place from where 200 Kg. of
Mahua flowers has been seized does not belong to him. It is
further submitted that 'Mahua Flower' does not fall within the
meaning of "intoxicant" as defined under Section 2(40) of the
Bihar Prohibition and Excise Act, 2016. It is further submitted
that no offence under the provisions of the said Act is made out
on the basis of allegations contained in the FIR and as such



there is no bar to grant of anticipatory bail, having regard to the decision of the Division Bench of this Court in Cr. Misc. No. 21578 of 2017 (Manish Kumar @ Lokesh Kumar Vs. The State of Bihar).

4. Considering, however, that the petitioner has not shown that he had any licence for the possession or sale of Mahua flowers, default of which is punishable under the provisions of the Bihar Prohibition and Excise Act, 2016, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

5. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law and without being prejudiced by any observation in the present order.

BT/-

(Vikash Jain, J)

U		T	
---	--	---	--

