

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21798 of 2019

Arising Out of P.S. Case No.-52 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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UDAY KUMAR, aged about 19 years, Male, Son of Gopal Yadav, Resident
of Village-Ganw Khap, P.S-Sherghati, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Excise Case
No.52 of 2019 for the offence alleged under Sections 30(d) of
the Bihar Excise Amendment Act, 2016 and Sections 2(e), 3, 5
and 13 of the Mahua Flower Act, 2006.

The prosecution case as lodged by the Excise
Officials is that the petitioner along with two others were
apprehended from the Bolero car. On search 750 K.G. of Mahua
Flower was recovered from the vehicle. Accordingly, a seizure
list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent,
nothing has been recovered from his conscious possession and
he is languishing in judicial custody since 04.02.2019. He
submits that two of the co-accused apprehended along with the



petitioner have since been granted the privilege of bail by coordinate Benches of this Court in Cr.Misc.No.18549 of 2019 dated 27.03.2019 and Cr.Misc.No.20612 of 2019 dated 03.04.2019.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and that on similar allegations two of the co-accused have been granted the privilege of bail as well as the fact that the petitioner does not bear any criminal antecedent, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Excise Case No.52 of 2019 to the satisfaction of learned Special Judge, Excise Gaya, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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