

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.78144 of 2018

Arising Out of PS. Case No.-395 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Niranjana Kumar S/o Arjun Prasad Sao, R/o Vill.- Sobh, P.S.- Barachatti, District- Gaya.
 2. Md. Kaishar @ Kaisar Alam S/o Md. Serajuddin @ Serajuddin, R/o Vill.- Gajragarh, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Nikhilesh Kumar
For the Respondent/s : Mr.Smt. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 15-01-2019 Heard learned counsel for the parties.

Petitioners seeks bail in **Excise Case No. 395 of 2018** registered for the offence punishable under Section 2(e), 3, 5 & 13 of Bihar Mahua Flowers Act, 2006 and Section 30(c) and 56(b) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of 200 Kg of Mahua Flower from the Tempo and allegation against petitioners is that the seized Mahua Flower belongs to them.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case. Nothing has been recovered from the possession of the petitioners. It has been further submitted that they have been



named in the prosecution report on the basis of statement made by co-accused. Petitioners are in custody since 27.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Special Excise Judge, Gaya**, in connection with **Excise Case No. 395 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4). If the petitioners are found involved in similar nature of offence, after their release on bail, the trial court shall take steps to cancel their bail bonds.

(S. Kumar, J)

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