

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79319 of 2018

Arising Out of PS. Case No.-578 Year-2018 Thana- BODHGAYA District- Gaya

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1. Indra Deo Das Son of Tulsi Das
 2. Binda Das Son of Tulsi Das Both Resident of Village- Bagahi Khurd, P.S.- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad
For the Opposite Party/s : Mr. Manish Kumar 2

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 29-01-2019 The prayer for anticipatory bail of applicant no. 2 has been rendered infructuous with his arrest. The petition with respect to petitioner no,. 2 is dismissed as having become infructuous.

The petitioner no. 1 seeks bail in anticipation of his arrest in connection with Bodh Gaya P. S. Case No. 578 of 2018 dated 02.10.2018 instituted for the offences under Sections 30(d) of the Bihar Prohibition and Excise Act, 2016.

Though 40 kgs of Mahua flower is said to have been recovered from outside the house of petitioner no. 1 and he does not have any criminal antecedents, but I am not inclined to grant anticipatory bail to him for the simple



reason that another co-accused person namely Binda Das who is his own brother has been arrested.

If petitioner no. 1 also surrenders before the court below and seeks bail, the court below shall look into the aforesaid facts namely the recovery from outside his house and that also of Mahua flower and that petitioner does not have criminal antecedents and shall pass orders in accordance with law without being prejudiced with the fact that the present petition has not been entertained by this Court.

With the aforesaid observation / direction, this petition is dismissed.

(Ashutosh Kumar, J)

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