

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28667 of 2019

Arising Out of PS. Case No.-402 Year-2018 Thana- DHANARUA District- Patna

Ajay Yadav @ Ajay Kumar, (Male) age about 33 years son of Ravindra Prasad R/o village- Dariyapur, P.S.- Dhanarua, Distt.- Patna. At present Kirana shop village- Sadisopur, P.S.- Dhanarua, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Gauri Shankar Prasad, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner as well as learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 30(a) (d) of the Bihar Prohibition and Excise Act, 2016 registered in connection with Dhanarua P.S. Case No. 402 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the owner of the shop from which 50 Kg. of Mahua flowers have been seized. 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 F.I.R. 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 Kumr 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 in excess of permissible limits, default of which is punishable under the provisions of the Bihar Prohibition and Excise Act, 2016, this Court is of the view that the petition is not maintainable in terms of Section 76(2) of the said Act. The anticipatory bail petition stands dismissed.

(Vikash Jain, J)

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