

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26101 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- AMAS District- Gaya

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1. CHHOTU KUMAR Son of Yogendra Chaudhary Resident of Village- Jhari, P.S.- Amas District- Gaya (Bihar).
 2. Dinesh Rikiyashan @ Dinesh Rikiyashan Paswan Son of Raj Kumar Bhuinya Resident of Village-Jhari, P.S.-Amas District-Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramashish

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in judicial custody since 23.02.2019 in connection with Amas P.S. Case No. 43 of 2019 for offences punishable under Section 30(c) of the Bihar Prohibition and Excise Act, 2016 and Sections 2(e), 3, 5, 13 of the Bihar Mahua Flower Act, 2016.

The prosecution case, as lodged by the police personnel, is that during patrolling duty the Honda vehicle of the petitioners was intercepted and on search 270 kgs of Mahua flower was recovered in 6 jute bags. Accordingly, a seizure-list was prepared.



It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated in the aforesaid case. He submits that nothing has been recovered from the conscious possession of the petitioners and they are languishing in judicial custody for more than two months.

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

Considering the nature of allegations and that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of this application, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Gaya, in connection with Amas P.S. Case No. 43 of 2019, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to



move the learned court below for cancellation of their bail
bonds.

(Nilu Agrawal, J)

Rajesh/-

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