

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76323 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- MAGADH UNIVERSITY District- Gaya

1. Vijay Saw and Anr S/o Ratan Sao
2. Kailash Yadav S/o Sohar Yadav Both are Resident of Village-Shekhwara, P.S.-Magadh University, District-gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kiran Sinha, Advocate

For the Opposite Party/s : Smt Indu Kumari Srivastava,A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-01-2019 Heard the parties.

The petitioners seek anticipatory bail in connection with Magadh University P.S.Case No. 99 of 2018, registered for offences punishable under Sections 30 (d)and 32 (2) of Bihar Prohibition and Excise Act, 2016.

Allegation as per F.I.R. is of recovery of total 480 K.G. of Mahua flower from the possession of the petitioners and apart from that the petitioners have been made accused in one more case also.

Submission of the learned counsel for the petitioners is that they have falsely been implicated in this case and nothing has been recovered from the house or from the conscious possession of the petitioners and petitioner No.2 had



earlier been made accused in keeping the said Mahua flower illegally but he has been granted bail in that case.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 1, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya in connection with Magadh University P.S.Case No. 99 of 2018, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

So far as the case of the petitioner No. 2 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this order of this Court.



This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

sudha/-

U		T	
---	--	---	--

