

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.69610 of 2018

Arising Out of PS. Case No.-269 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

Kundan Kumar son of Ram Naresh Singh, resident of Village - Uraili, P.O.-
Kubba, Police Station- Bahera, District- Chatra (Jharkhand).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 05-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 30(d) and 56(d) of the Bihar Prohibition and Excise Act, 2016 and Section 2(e), 3, 5 and 13 of Bihar Excise (Mahua Flowers) Rules, 2006 registered in connection with Excise Case No. 269 of 2018.

3. It is submitted that the petitioner has been falsely implicated merely because he happens to be the owner of the vehicle from which 400 Kg. of Mahua flowers has 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.

4. Considering, however, that the petitioner has not shown that he had any licence for the possession or sale of Mahua flowers, default of which is punishable under the provisions of the Excise Act, 2016, this Court is not inclined to grant anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.



5. If the petitioner surrenders and seeks regular bail before the learned trial Court the same shall be considered on its own merit in accordance with law on the same day and without being prejudiced by any observation in the present order.

BT/-

(Vikash Jain, J)

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