

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65262 of 2019**

Arising Out of PS. Case No.-371 Year-2019 Thana- BARACHATTI District- Gaya

RAMANAND SAW Son of Meghlal Saw Resident of Village - Mussaila,  
P.S.- Mohanpur, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar Singh  
For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      04-11-2019      The petitioner apprehends his arrest in connection with Barachatti (Mohanpur) P.S.Case No. 371 of 2019 registered under Sections 414/34 of Indian Penal Code and 30(d) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

Allegation against the petitioner, as per FIR, is that a pick-up van was intercepted on the G.T.Road and one person namely Uday Saw was arrested and a total quantity of 810 K.G. Mahua flowers were recovered from the said pick-up van and the name of the petitioner has been disclosed by the arrested accused person. It has also been alleged that petitioners is owner of the pick-up van.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as he is not the



owner of the pick-up van, which has been stated categorically in para-10 of this application. He further submits that without prejudice to the aforesaid, a Division Bench of this Court, in CWJC No. 23163 of 2018, considered the question with regard to applicability of Bihar Prohibition and Excise Act, 2016 upon seizure of Mahua flowers exceeding 5 Kg and has held that recovery of Mahua flowers exceeding 5 Kg shall not attract the provision of the Act. The Division Bench has further held that mere possession of Mahua flowers will not *ipso facto* give rise to the offence under the Act until it is converted into plain or spiced spirit, as clearly defined under Section 2(16) of the Act.

Having regard to the submissions made by the parties and taking into consideration the fact that admittedly Mahua flower has only been recovered from the pick-up van and there is no allegation that same was being converted into a plain or spiced liquor spirit, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the



learned Special Judge, Excise Act, Gaya in connection with  
Barachatti (Mohanpur) P.S.Case No. 371 of 2019; subject to  
condition as laid down under Section 438(2) of the Code of  
Criminal Procedure.

**(Anil Kumar Sinha, J)**

sujit/-

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