

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73799 of 2019

Arising Out of PS. Case No.-703 Year-2019 Thana- BANKA District- Banka

MANOJ KUMAR DAS S/o Bateshwar Das R/o village- Kateli, P.S.- Banka,
District- Banka ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Brij Nandad Prasad, Advocate
For the Opposite Party : Mr.Jagdhari Prasad, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the parties.

Petitioner is an accused in a case registered for the offence punishable under section 30a, (d) and 32 of the Bihar Prohibition and Excise Act, 2016.

13 bags containing 50 kilograms per bag Mahua flower, were recovered from a tractor with the petitioner and two other co-accused persons on board.

Learned counsel for the petitioner submits that the petitioner has been roped in this case due to mistaken identity. Further, the mandatory provision under Section 100 Cr.P.C. has not been followed at the time of seizure. Besides, as per the order of the Division Bench of this Court dated 9.7.2019, passed in C.W.J.C.No. 23163 of 2018 and other analogous cases, Mahua flower does not fall within the ambit of country made liquor or traditional liquor. Petitioner is in custody in the instant case since 3.10.2019. Petitioner has got no criminal antecedent.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of the Additional Sessions Judge II, Banka in Banka Police Station Case No. 703 of 2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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