

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73005 of 2019

Arising Out of PS. Case No.-219 Year-2019 Thana- PUNPUN District- Patna

Madan Kumar S/O Basdev Sav R/O Village Barah, P.S. Punpun, District
Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Ajit Kumar, Advocate

For the Opposite Party : Mr.Dr. Kr Uday Pratap, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

25-11-2019

Heard learned counsel for the parties.

Petitioner apprehends arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

There is allegation of recovery of 80 kilograms of Mahua flower on the road side and petitioner's motorcycle was parked near the spot.

Learned counsel for the petitioner submits that the petitioner is not concerned with the seized Mahua and nothing has been recovered from his conscious possession and he has got no criminal antecedent. The mandatory provision under Section 100 Cr.P.C. has not been followed at the time of seizure. It is further submitted that 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.

Considering the facts of the case, let the petitioner, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, 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 learned Special Judge Excise Act, Patna in Punpun Police Station Case No. 219 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 on 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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