

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4921 of 2020

Arising Out of PS. Case No.-126 Year-2019 Thana- KHARHAGPUR District- Munger

Jitendra Kumar Son of Dashrath Kumar Resident of Village- Mananpur, P.O.-
Chanan, P.S.- Chanan, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Kharagpur P.S. Case No. 126/2019 registered for the offences
punishable under Sections 2(e), 3/5(b)/18 of Mahua Flower Act
2006.

Six sacs, containing 50 Kg each Mahua flower, are
said to have been recovered from a tempo, which was being
driven by co-accused Jai Ram Yadav at the time of alleged
occurrence and petitioner happens to be the owner of the
aforesaid tempo.

Submissions on behalf of the petitioner is that even if
it assumed that in huge quantity Mahua flower was recovered



from the tempo of the petitioner, then also, no case under Bihar Prohibition and Excise Act, 2018 is made out against the petitioner because a Division Bench of this Court in C.W.J.C. No. 23163 of 2018 and other analogous cases, it has been held that unless the Mahua flower is converted into plain or spiced spirit, penal provisions of Bihar Prohibition and Excise Act, 2018 is not applicable.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in my view, this anticipatory bail application is maintainable. Accordingly, it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Munger in Kharagpur P.S. Case No. 126/2019 subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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