

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4668 of 2020

Arising Out of PS. Case No.-182 Year-2019 Thana- KUTUMBA District- Aurangabad

DEEPNARAYAN CHOUDHARY @ DIPNARAYAN CHAUDHARY Son of
Sita Ram Chaudhary Resident of Village-New Gangoli, P.S-Dalmiyan,
District-Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(d) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

It is alleged that from a pickup van, 40 kg of Mahua flower were recovered. The petitioner is alleged to be the owner of the said vehicle.

It is submitted by learned counsel for the petitioner that for alleged recovery of Mahua flower, Mahua Flower Rules, 2006 is applicable, however, the case has been registered under the provisions of Bihar Prohibition and Excise (Amendment) Act, 2018. It is further submitted that at the time of seizure, the



petitioner was not present on the spot. The petitioner has falsely been roped in the present case since he is the owner of a goods transport from which the recovery is alleged to have been made. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that from the vehicle of the petitioner, recovery of Mahua flower has been made.

Considering the nature of recovery and the fact that seizure does not constitute any offence under the Bihar Prohibition and Excise (Amendment) Act, 2018, coupled with the fact that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Kutumba P.S. Case No. 182 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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