

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 12996 of 2020
Arising Out of PS. Case No.-379 Year-2019 Thana- Jhajha District- Jamui.

Dheeraj Yadav (male) aged about 28 years, son of Vasuki Yadav, R/o Village Bhikha (Sahiya), P.S. Jhajha, Distt. Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Braj Kishore Prasad APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3	09-09-2020	Heard learned counsel for the petitioner and learned APP for the State, through video conferencing. The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Jhajha P.S. Case No. 379 of 2019 registered under section 30(d) of the Bihar Prohibition and Excise Act, 2016. As per allegation in the FIR, on a raid being conducted 20 sacks containing a total of 1000 kg. of Mahua is stated to have been recovered from the house of the petitioner. It is submitted by learned counsel for the petitioner that nothing as alleged in the FIR has been recovered from the house of the petitioner. It is further submitted that even if the alleged recovery is accepted for the sake of argument, the Division Bench of this Court in the judgment dated 9.7.2019 in CWJC No. 23163 of 2018 (Umesh Kumar @ Umesh Mahto vs. State of Bihar and ors.) has held that the Mahua Flowers Rules which was framed under the repealed Bihar Excise Act, 1915 has been saved under section 97 of the Bihar Prohibition and Excise Act, 2016 and from the provisions
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	of the said 'Mahua Flower Rules', it would transpire that no penal consequences has been provided to any violation of the limit of possession of 5 kg of mahua flowers. It is submitted that the petitioner has no criminal antecedent. The application for bail is opposed by learned APP for the State. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Jhajha P.S. Case No. 379 of 2019, he shall be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jamui subject to the conditions as laid down under section 438(2) of the Cr.P.C.
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(Partha Sarthy, J)

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