

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19454 of 2020

Arising Out of PS. Case No.-102 Year-2020 Thana- BARACHATTI District- Gaya

Raj Kumar Yadav aged about 56 years, male, son of Late Karu Yadav, resident of village Durjankhap, P.S Mohanpur, District Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 21-07-2020 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 Barachatti (Mohanpur) P.S. Case No. 102 of 2020 registered under section 30(d) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, it is stated that secret information having been received, a raid was conducted. It is further stated that a total of 150 kg of mahua flower was recovered from five sacks from a mud house without door adjacent to the house of the petitioner.

It is submitted by learned counsel for the petitioner that no recovery of the alleged article has taken place and the petitioner has been falsely implicated in the case. It is further submitted that from the seizure list itself, it would be evident that place of seizure did not contain any door, and thus



accessible to the public. It is submitted that recovery of mahua flowers would not be an offence under the Bihar Prohibition and Excise Act, 2016 as held by the division bench of this Court. 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 facts and circumstances of the case and 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 Barachatti (Mohanpur) P.S. Case no. 102 of 2020, 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 Special Excise Judge, Gaya subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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