

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26428 of 2020

Arising Out of PS. Case No.-17 Year-2020 Thana- NAUBATPUR District- Patna

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Sumit Kumar, male, aged about 27 years, S/o Ashok Saw @ Ashok Kumar,
Resident of Village-Nisarpura, Police Station-Naubatpur and District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 21-10-2020 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Special Case No. 365 of 2020 arising out of Naubatpur P.S. Case No. 17 of 2020, dated 08.01.2020, instituted for the offence under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

It appears that the motorcycle which was



being driven by the petitioner was left behind and the petitioner fled away. From the aforesaid motorcycle, 50 kilograms of *Mahuwa* flower is said to have been recovered.

Learned counsel for the petitioner has submitted that nothing has been recovered from the possession of the petitioner. In fact, while he had left his motorcycle near the road side, the *Mahuwa* flower appears to have been planted. The petitioner had gone to his field to see the crops.

The petitioner claims to be a person of clean antecedents.

Considering the nature of accusation against the petitioner and the surrounding circumstances, it appears that no offence under Section 30(d) of the Bihar Prohibition and Excise Act, 2016 can at all be said to be made out.

Let the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, be released on bail



on his furnishing bail bonds in the sum of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned Special
Judge, Excise, Patna in connection with Special Case No.
365 of 2020 arising out of Naubatpur P.S. Case No. 17
of 2020, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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