

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29275 of 2020

Arising Out of PS. Case No.-85 Year-2020 Thana- BODHGAYA District- Gaya

Gariban Saw @ Krishna Saw Son of Late Ramchandra Saw Resident of
Village - Bhagalpur, P.S.- Bodh Gaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-12-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in Bodh Gaya
P.S. Case No. 85 of 2020 registered for the offence under
Section 30(d) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 480 Kg. of *Mahua* flower
and 450 Kg. Molasses (*gud*) were recovered from the shop of
this petitioner.

It is submitted on behalf of petitioner that Mahua
flower does not come under the definition of contraband or
traditional liquor, intoxicant and intoxicating drug under the
Bihar Prohibition and Excise Act, 2016 and as such, no offence
under the Excise Act is made out against this petitioner. In
support of his submission, learned counsel for the petitioner has



placed reliance on a Division Bench Judgment of this Court passed in C.W.J.C. No. 10627 of 2019 (*Chintu Kumar vs. The State of Bihar*).

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. In the event of his arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the above-named petitioner be enlarged 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 Act, Gaya in connection with Bodh Gaya P.S. Case No. 85 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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