

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31281 of 2021

Arising Out of PS. Case No.-1 Year-2021 Thana- KATORIYA District- Banka

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ROHIT KUMAR @ ROHIT KAR Son of Ravindra Kumar Barnwal Resident
of Village- Suiya Road Katoria, P.s.- Katoria, Dist- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Adv.
Mrs.Devika Rani, Adv.
For the Opposite Party/s : Mr.Ajay Kr. No.2, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects, as pointed out by the office, within four weeks of
resumption of normal court proceeding. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner seeks bail in connection with Special
Excise No.13/2021 arising out of Katoria P.S. Case No.01/2021,
for the offence punishable under Section 56(D) of the Bihar
Prohibition and Excise Act, 2016 and Mahua flower Rule 03.

Altogether 40 quintals of Mahua flowers are said to have
been recovered from two vehicles near PACS Bhawan. It is



alleged that on seeing the police, the driver of both the vehicles fled away.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. He has been falsely implicated in this case by the police merely on the ground that he is owner of one of the seized vehicle. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized flowers or any trade of illegal articles. Although one of the vehicles belongs to the petitioner but the same is driven by his driver, as such, he is not responsible for carrying out of the recovered Mahua flowers. There is no compliance of Section 100 of the Cr.P.C. Petitioner has one criminal antecedent of similar nature of offence, as mentioned in para-3 of the bail application and has been languishing in custody since 22.03.2021.

Petitioner is agreed to deposit a sum of Rs. 10000.00/- (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch,



UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka, in connection with Special Excise No.13 of 2021 arising out of Katoria P.S. Case No.01 of 2021, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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