

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36148 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- FATEHPUR District- Gaya

Niraj Kumar Son of Shambhoo Yadav Resident of Village-Baraliya Block,
P.S.-Tankuppa, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-03-2021 Heard learned counsel for the petitioner and learned APP for
the State through virtual mode..

Counsel for the petitioner is directed to remove the defect(s), as
pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered
under Sections 30(a)(d)/32(2) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, in short, is that 500 kgs mahua flower
and 15 liters mahua liquor are recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent and there is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
is not named in the F.I.R. It is alleged that 500 kgs mahua flower and
15 liters mahua liquor are recovered from the car in question. The
mahua flower was taken for cattle meal. The mahua flower, unless



and until subject to fermentation, does not come under the meaning of intoxicant. Hence the recovery of mahua flower does not come under the purview of Excise Act. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory 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, Gaya in connection with Fatehpur P.S. case No.95 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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