

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53871 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- ARWAL District- Jehanabad

PRABHAT KUMAR SON OF RAJESH SINGH Resident of Village - Keora,
P.S.- Punpun, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Advocate
For the Opposite Party/s : Mr.Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioner and learned APP
for the State.

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

The petitioner is apprehending his arrest in connection with Excise case No.639 of 2021 arising out of Arwal P.S. case No.212 of 2021 registered under Sections 2E/3/5/13 of Bihar Mahua Flower Act, 2006 and Sections 30(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 2300 kgs mahua flower is 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. It is alleged that 2300 kgs mahua flower is recovered from the truck. The petitioner is



said to be the driver of the truck in question. Said mahua flower was being taken for cattle feed. The mahua flower, unless and until subjected to fermentation, does not come within the purview of Excise Act. The petitioner has been made accused due to mistake of fact. The petitioner being the driver of the truck had no knowledge regarding the nature of goods booked by the transporter. No intoxicant substance is said to have been recovered from the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Jehanabad in connection with Excise case No.639/2021 arising out of Arwal P.S. case No.212/2021, 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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