

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4189 of 2021

Arising Out of PS. Case No.-19 Year-2011 Thana- GOVERNMENT OFFICIAL COMP.
District- Katihar

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SURESH SAH @ SURESH PRASAD SAH Son of Lakho Sah Resident of
Village - Semapur, P.S. - Barari, District - Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. DINESH KUMAR GUPTA Son of Not Known Posted/working as Sub
-Inspector Excise Department, Barari, Anchal Barari, District - Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Chandra Prasad, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

3 23-08-2021 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 from the date of restoration of normalcy.

A report was called for from the court below, which
has been received and kept on the record at Flag 'A'.

The petitioner is apprehending his arrest in connection
with C.I. case No.19 of 2011 (T.R. No.3947 of 2011) registered
under Sections 47(a)(f) read with Section 13(f) and 48 of Excise
Act and Rule 2(c), 3(5)(B) of Mahua Flower Rules.

The prosecution case, in short, is that 90 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. The petitioner has falsely been implicated in this case. The name of the petitioner has transpired in this case as the alleged recovery is made from the godown belonging to the joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 90 kgs mahua flower is recovered from the godown belonging to the joint family of the petitioner. The petitioner had no knowledge regarding the alleged incident. Nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

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 his personal bond to the satisfaction of learned Additional District Judge II-cum-



Special Judge, Katihar in connection with C.I. case No.19 of 2011 (T.R. No.3947 of 2011), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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