

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59169 of 2021

Arising Out of PS. Case No.-320 Year-2021 Thana- HISUWA District- Nawada

RINKU KUMAR Son of Sri Arjun Lal Resident of Village - Brahm Pichas,
P.S.- Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Chandra

For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-01-2022 Heard the parties 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.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(d) of the Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioner is that on inspection of his shop by the police, materials used for making liquor such as 350 kg of jaggery, 45 kg of mahua flower, 35 kg of raisins and 500 gm of ammonium chloride salt were recovered.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. Allegation against him is that seeing the police, he tried to flee away from the shop, from where it is said that articles used for manufacturing liquor were recovered but the fact is that he used to sell those articles to the farmers for feeding their cattle. He has no concern with any person involved in making of liquor. Learned counsel placed reliance upon CWJC No.10627 of 2019, in which the court held that there is no requirement of penal actions to be taken by the authority according to the Mahua Flower Rules, 2006. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application and is languishing in custody since 16.06.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his 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.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Hisua P.S. Case No.320 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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 Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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