

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17011 of 2018

Arising Out of PS.Case No. -313 Year- 2017 Thana -PALASI District- ARRARIA

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Md. Zuber Alam @ Md. Juber, Son of Mehruddin @ Mohiuddin, resident
of village Pipra Bijwar, Ward No. 11, P.S. Palasi, District Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Rana, Advocate.

For the Opposite Party : Mr. Arun Kumar Singh -5, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-03-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a), 36 and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 384 liters
Eskuf Cough Syrup is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. There
is no allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case. It is alleged that total 384 liters Eskuf Cough Syrup is
recovered. Out of which, 192 liters Eskuf Cough Syrup is



recovered from joint house of the petitioner. The name of the petitioner has come as the alleged recovery made from joint house of the petitioner where other family members also reside. Cough Syrup does not come within the meaning of intoxicant. Cough Syrup can not be treated to be an intoxicant. Hence, no offence under the Excise Act is made out. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. 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 named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned 2nd Additional Sessions Judge, Araria, in connection with Special Case No. 3105/2017, arising out of Palasi P.S. Case No. 313 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

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(Sudhir Singh, J)

