

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12713 of 2018

Arising Out of PS. Case No.-849 Year-2017 Thana- ARARIA District- Araria

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Mokarram @ Md. Mokarram S/o Md. Idrish @ Idrish , R/o Village- Kakurwa,
Bharma Tola, Ward No.29, P.S. and District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. ASHARAF ANSARI

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, in short, is that 8 liters cough syrup is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused namely Firdoss. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 8 liters



cough syrup is recovered. The same does not come within the purview of intoxicant under Bihar Prohibition and Excise Act, 2016. 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.

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 2nd Additional Sessions Judge-Araria in connection with Araria P.S. Case No. 849 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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