

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29573 of 2018

Arising Out of PS. Case No.-309 Year-2017 Thana- ARARIA District- Araria

Shiwaji Shandilya, S/o Late S.N. Sinha, Resident of Birla Colony, Phulwari Sharif, P.S.- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Das

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-05-2018 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, 36, 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 31 cartoons of cough syrup of 100 ml each and 55 pieces of 100 ml. syrup are 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 petitioner is Manager in a pharmaceutical company. A raid was conducted in the premises of the said company from where cough syrup is alleged to have been



recovered. The cough syrup does not come within the meaning of intoxicants. Hence the provision Bihar Prohibition and Excise Act, 2016 is not applicable in the present 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/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 Special Judge, Araria in connection with Araria P.S. Case No. 309/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

