

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70842 of 2018

Arising Out of PS. Case No.-640 Year-2018 Thana- ARARIA District- Araria

=====

Jabir Hussain @ Md. Jabir Hussain, S/o Late Wali Mohammad, Resident of
Village-Mirzapur Kothi, P.S. Simraha, District-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2018 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), 36 & 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 80 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 in this case as the petitioner is owner of the vehicle in question. The said vehicle is used as commercial vehicle by staff 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 80 liters



cough syrup of Laborate Pharmaceuticals India Ltd. and Nitravet 10 tablets is said to have been recovered from the car in question. The cough syrup does not come within the meaning of intoxicant under the provision of Excise Act. 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 Additional Sessions Judge-II-cum-Special Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 640 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

A.K.V.//-

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

