

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16846 of 2018

Arising Out of PS.Case No. -857 Year- 2017 Thana -ARARIA District- ARRARIA

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Salin @ Salehin Saif, S/o Saijur Rahman, Resident of Village - Thakurbari,
Road Araria, Ward No. 23, P.S. and District - Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Gopal Kumar Jha, Advocate.

For the Opposite Party : Mr. Parmanand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 28-03-2018 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) and 38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 172.500
liters Eskuf Cough Syrup is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total
172.500 liters Eskuf Cough Syrup is recovered. Out of which 172
liters Eskuf Cough Syrup is recovered from the house of the
petitioner. Cough Syrup does not come within the meaning of
intoxicant. Hence, no offence under the Excise Act is made out.



The name of the petitioner has come on the basis of alleged recovery made from joint house of the petitioner where other family members also reside. 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-cum-Special Judge, Araria, in connection with Araria P.S. Case No. 857 of 2017, corresponding to Special Case No. 3283/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)