

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27025 of 2019

Arising Out of PS. Case No.-27 Year-2019 Thana- CHAUTHAM District- Khagaria

Md. Saddam Ali @ Md. Saddam Hussain @ Md. Saddam Son of Md. Nisar
Ali Resident of Village - Karua, P.S.- Chautham, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore (APP-100)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in Chautham P.S.
Case No. 27/2019, registered for the offences punishable under
Section(s) 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case is that during raid, one person fled
away from behind the house of one Md. Mukhtar and 1400 m.l.
of cough syrup has been recovered from there. Petitioner has
been identified by the local *Chowkidar* as the person who fled
away from the said place.

It is submitted on behalf of the petitioner that no case
under Excise Act is made out. At best it is a case covered under
Drugs and Cosmetics Act. The place of recovery does not
belong to the petitioner. No incriminating article has been



recovered from the conscious possession of the petitioner.
Petitioner has got no criminal antecedent.

Considering the facts aforesaid, the petitioner above-named, in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd-cum-Special Judge, Excise, Khagaria in connection with Chautham P.S. Case No. 27/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J)

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