

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22662 of 2020

Arising Out of PS. Case No.-139 Year-2020 Thana- RANIGANJ District- Araria

SATISH KUMAR Son of Jaydev Mandal Resident of Village - Laxmipur,
Parmanandpur, P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-09-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Special Case No. 357 of 2020, arising out of Raniganj P.S. Case No. 139 of 2020 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 22 pieces of Eskuf codeine compound cough syrup, each containing 100 ml. and 19 pieces of Wirof cough syrup, totaling to 4.1 litres, from the



dickey of the motorcycle of the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the fact is that no recovery has been made from the conscious possession of the petitioner and he has been falsely implicated in the present case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and considered the materials available on record and I find that since there is a specific and direct allegation of recovery of illicit cough syrup containing codeine compound, from the petitioner herein, the bar of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would come into play, hence I hold that the present petition is not maintainable. Nonetheless, I deem it fit and proper to direct the petitioner to surrender before the learned Court of 2nd Additional Sessions Judge, Araria in connection with Special Case No. 357 of 2020 arising out of Raniganj P.S. Case No. 139 of 2020, within a period of four weeks from today, whereupon the learned court below shall consider his prayer for grant of bail and pass appropriate orders



on the very same day and shall take a sympathetic view of the matter inasmuch only a meager quantity of Eskuf cough syrup and Wirof cough syrup containing codeine compound, has been recovered from the petitioner.

The petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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