

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56629 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- JALALGARH District- Purnia

Md. Nishar Alam @ Chunna @ Jumman Son Of Late Mumtaz Alam R/O
Village- Jhawari Hat, P.S.- Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of eight weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 272, 273 of the Indian Penal Code,
30(a) of the Bihar Prohibition and Excise Act, 2016 and 21(a),
22(b) of the N.D.P.S. Act and 27(b) of the Drugs and Cosmetic
Act.

The prosecution case, in short, is that 332 bottles of
cough syrup is recovered from the accused persons.

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 as the 12 bottles (each containing 100 ml.) of cough syrup is recovered from the shop 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 332 bottles of cough syrup is recovered out of which 280 bottles of cough syrup is recovered from the house of co-accused, 10 bottles of cough syrup is recovered from the house of another co-accused, 30 bottles of cough syrup is recovered from another co-accused and 12 bottles of cough syrup is recovered from the shop of the petitioner. The cough syrup in question does not come within the purview of Excise Act. The petitioner has been made accused due to mistake of fact.

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 twelve 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,



N.D.P.S. Act, Purnea in connection with Jalalgarh P.S. Case No. 85 of 2021 giving rise to Special Case No. 35 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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