

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3975 of 2022**

Arising Out of PS. Case No.-360 Year-2021 Thana- JAGDISHPUR District- Bhojpur

Sanjay Kumar @ Sanjay son of Manna Gautam Resident of Village- Kallipur,  
P.S.- Mirzamurad, District- Varanasi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India New Delhi

... .. Opposite Party/s

**Appearance :**

|                      |   |                           |
|----------------------|---|---------------------------|
| For the Petitioner/s | : | Mr. Dipak Kumar, Advocate |
| For the State        | : | Mr. Sanjay Kumar, APP     |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      01-07-2022                      Heard learned counsel for the parties thorough  
virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Jagdispur  
P.S. Case No. 360 of 2021 registered for the offence under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in  
custody since 19.09.2021.

The allegation against the petitioner is to have in  
possession of 1496 liters of Phensedyl cough syrup, which was  
recovered from a truck bearing Registration no. UP 65 GT 6719.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner, who is the driver and owner of the truck, loaded with 14960 bottles of Phensedyl cough syrup manufactured by a reputed pharmaceuticals company. It has been submitted that simply for the reason that certain required documents was not available with the petitioner, as regard to consignment, the case has been lodged under Excise Act. It has further been submitted that petitioner is a man of clean antecedent, moreover, chargesheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the seized article is cough syrup 'Phensedyl' manufactured by a reputed pharmaceuticals company.

Considering the facts and circumstances as mentioned above, as from the recovered material, it cannot be said that the petitioner, being driver of the vehicle, was under knowledge of illicit liquor, having clean antecedent coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Jagdispur P.S. Case No. 360 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Court Excise Act, Bhojpur, Arah, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Shani Kumar, who is the nephew of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-  
Shashank/-

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