

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11412 of 2022**

Arising Out of PS. Case No.-364 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gopalganj

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HARENDRA KUMAR S/o Mulchand, R/o village- Bhagatuva, P.S.- Mursan,  
District- Hathrash (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate  
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP.

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      08-08-2022                      Let the defect, if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Excise Case No. 364 of 2021 lodged under Section 30(a) of the  
Bihar Prohibition and Excise Act.

As per the F.I.R., cough syrup is recovered from the  
truck said to be 15680 pieces of 100 ml.

Learned counsel for the petitioner submits that the  
alleged cough syrup is not an excise item. He further submits  
that petitioner is in custody since 30.12.2021 unnecessary.  
According to him the *codeine* alleged ingredient of the cough

syrup does not come within the purview of the excise material. Learned counsel for the petitioner further submits that charge sheet has already been filed in this case and petitioner has clean antecedent.

Learned counsel for the State is not in a position to clarify to this court that whether the alleged *codeine* which has one of the ingredient of cough syrup is excise material or not.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-IV-cum-Special Judge, Excise, Gopalganj in connection with Excise Case No. 364 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

ravishankar/-

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