

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14151 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- JOKIHAT District- Araria

Sallauddin@Sallauddin Son Of Baharuddin Resident Of Village- Bhebhra
Ward No. 14, Police Station- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State

through video conferencing.

Petitioner seeks bail in a case registered in
connection with Jokihat P.S.Case No. 293 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that on
secret information, police raided the shop of the petitioner
and on search being made 54 bottles of Eskuf Syrup has
been recovered from the shop and further 712 bottles of
Eskuf Syrup and 3.75 liters Indian made foreign liquor
were recovered from the house of the petitioner.



It is submitted by the learned counsel for the petitioner that from bare perusal of the FIR, it is evident that the present FIR has been instituted under Bihar Prohibition & Excise Act 2016 and as such no offence is made out against NDPS Act. It is further submitted that the alleged recovered cough syrup is not said to be Narcotic drugs and in fact, the same was sold for medical purpose. It is next submitted that so far as recovery of motorcycle and Scorpio vehicle are concerned, the said vehicles do not belong to the petitioner. It is next submitted that the petitioner is HIV patient and being treated at ART Centre.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that illicit liquor and cough syrup have been recovered from possession of this petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is in custody since 18.06.2021 and moreover, he is HIV patient, whose treatment is going on at ART Centre, apart from the fact that investigation has already been completed and charge sheet has been submitted, let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Araria in connection with Jokihat P.S. Case No. 293 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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