

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26082 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- KHAGARIA District- Khagaria

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Dilkhush Kumar @ Dilkhush Kumar Singh Son of Nirmal Kumar @ Nirmal
Singh Resident of village - Sahmoura, P.S.- Sonbarsa, District - Saharsa
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Khagaria
(Muffasil) P.S. Case No. 54 of 2022 registered for the offence
under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.01.2022.

The allegation against the petitioner is to have in
possession of 140 liters of cough syrup, which was recovered
from a car bearing Registration no. BR 09 AH 7748.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner is the driver-cum-owner of the alleged
vehicle. It is submitted that there was recovery of cough syrup,



manufactured by reputed pharmaceutical company, and petitioner was apprehended for the only reason that the police personnel was under suspicion that the recovered cough syrup may be consumed as liquor. It is pointed out that petitioner is involve in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that there was recovery of cough syrup.

Considering the facts and circumstances as mentioned above, as there was recovery of cough syrup, manufactured by reputed pharmaceutical company coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khagaria (Muffasil) P.S. Case No. 54 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-cum-Additional District Judge-1, Khagaria/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall



not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Nirmal Kumar @ Nirmal Singh, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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