

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43653 of 2022

Arising Out of PS. Case No.-213 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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ANKIT KUMAR Son of Umesh Yadav @ Sri Umesh Yadav Resident of
Village - Sirsiya, mojha tola, ward no.3, P.s.- Singheshwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
Madhepura Excise P.S. Case No. 213 of 2022 registered for the
offence under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018 .

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2022.

The allegation against the petitioner is to have in
possession of 120 liters of 'Wiscolf Syrup'.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of cough syrup was made from “cattle shed” of the petitioner, which is accessible by general public and other family members and, as such, it cannot be said that recovery was made from conscious physical possession of the petitioner, who is a man of clean antecedent. It is submitted that alleged cough syrup was manufactured by a reputed pharmaceutical company having no role of petitioner. While concluding the argument, it is submitted that investigation in this case is complete, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged cough syrup was made from the open place i.e. “cattle shed”, where petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhepura Excise P.S. Case No. 213 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 Additional Sessions Judge-IV-cum-Special Judge, Excise, Madhepura/concerned Court,



subject to the following conditions as laid down u/s 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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