

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43906 of 2022

Arising Out of PS. Case No.-301 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Sumit Kumar S/o Sri Manoj yadav Resident of Village - Bhaddi Kala , Ward
No.-14, P.S.- Sour bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-09-2022 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

Madhepura Excise P.S. Case No. 301 of 2022 registered for the

offence under Sections 30(a) of the Bihar Prohibition and Excise

Act, 2018.

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

custody since 13.07.2022.

The allegation against the petitioner is to be engaged

in illegal trading of cough syrup (Wiscof), where, there is

recovery of 100 litres of cough syrup (Wiscof) from alleged



vehicle.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver and nothing incriminating surfaced during the course of investigation which may suggest that he was under knowledge to carry consignment of such a cough syrup which is prohibited. It is also submitted that said cough syrup is manufactured by pharmaceutical company where, petitioner is not connected in any manner, who is a man of clean antecedent it is submitted by learned counsel that charge sheet has been submitted under Section 30(a) of the Excise Act and not under any provisions related with N.D.P.S. Act. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of the bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged cough syrup cannot be said to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Madhepura Excise P.S. Case No. 301 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 District and Session Judge 4th cum Spl. Judge, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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