

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55041 of 2021

Arising Out of PS. Case No.-454 Year-2021 Thana- FORBESGANJ District- Araria

SURENDRA TATMA @ SURENDRA DAS SON OF LATE KALAR
TATMA R/O VILLAGE- MIRZAPUR, P.S.- SIMRAHA, DISTRICT-
ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Forbesganj Police Station Case No. 454 of 2021, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that the petitioner was selling cough syrup containing codeine, raided the beetle shop -cum- house of the petitioner and on seeing the police, the petitioner fled away and on search, the police recovered 33 bottles of Codeine Phosphate Cough Syrup from the bamboo clump situated in the back side of the house of



the petitioner.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case with oblique motive. He further submits that from perusal of the seizure list, it would be evident that cough syrup was recovered from the backside of the house of the petitioner, which is an open space and is accessible to all and sundry. He further submits that no incriminating material has been recovered from the conscious possession and/or beetle shop -cum- house of the petitioner. He further submits that the petitioner is in custody since 28.07.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that no incriminating material has been recovered from the conscious possession and/or beetle shop -cum- house of the petitioner, charge sheet has already been submitted and the petitioner is in custody since 28.07.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Araria, in connection with Forbesganj Police Station Case No. 454 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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