

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48054 of 2022

Arising Out of PS. Case No.-274 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Vilash Kumar S/o Bindeshwari Yadav Resident of Village- Mithahi, Ward
No.11, P.s.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Excise Thana Case No. 274 of 2022 lodged under Section 30(a)
of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of 18
pieces cough syrup containing 100 ml in each bottle containing
codeine is subject matter of this case.

Learned counsel for the petitioner submits that each
cough syrup contains a very small quantity of codeine i.e. 0.1 ml
in 100 ml as such the total amount shall be 1.9 gram of codeine.
Learned counsel further submits that codeine is an N.D.P.S

substance and excise material is not applicable on them. He further submits that in view of the matter, the alleged codeine is lesser than the small quantity. Learned counsel further submits that it is complete false case and case has been transplanted at the present petitioner. Learned counsel further submits that petitioner is a man of clean antecedent and he is in custody since 01.07.2022. Charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum-Special Judge, Excise Act, Madhepura in connection with Excise Thana Case No. 274 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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