

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48350 of 2022

Arising Out of PS. Case No.-596 Year-2022 Thana- ARARIA District- Araria

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Shamsher Son Of Ziyauddin, Resident Of Village- Islam Nagar, Ward No. 27,
P.S.- Araria, Dist.- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 02-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Araria (R.S.) P.S. Case No. 596 of 2022 lodged under Section
30(a) of Bihar Excise and Prohibition Act, 2016.

As per prosecution case, total recovery of 79.5 liters
of cough syrup available in different bottles are the subject
matter of the present case.

Learned counsel for the petitioner submits that the
alleged recovery of the said cough syrup has been made from
the rack of petitioner's toilet but he simultaneously admits that
Bihar Excise Act is not attracted due to the reason that alleged

cough syrup comes within the purview of Drugs and Cosmetic Act. It has been further submitted that under section 30 of the Drugs and Cosmetic Act only complaint by the competent authorities permissible for this. Counsel for the petitioner further submits that petitioner is a man of clean antecedent and he is in custody since 16.07.2022. He further submits that 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 Exclusive Special Judge Excise-Ist, Araria in connection with Araria (R.S.) P.S. Case No. 596 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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