

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50644 of 2022

Arising Out of PS. Case No.-323 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Manish Kumar S/o Sri Narayasn Yadav @ Narayan Yadav Resident of
Village- Werwa, Ward No.07, Police Station and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-10-2022 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. 323 of 2022 registered for the
offence under Section 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 22.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of cough syrup, where, there
was recovery of 102.6 litres of cough syrup.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged cough syrup was made from the bush developed behind the house of this petitioner, which is accessible by general public and as such it cannot be said that the recovery was made from the conscious physical possession of this petitioner. While concluding the argument, it is categorically submitted that investigation of this case has been completed, where 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 is not made from conscious physical possession 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. 323 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 Special Judge-2, Excise, 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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