

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61617 of 2021**

Arising Out of PS. Case No.-15 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

MUTSIM RAUF @ MOHTASIM RAUF S/o Abdul Rauf Resident of Village
- Kamal Daha, Ward No. 11, P.S. - Araria, District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh
For the Opposite Party/s : Mr.Shaheen Begum

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

3 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Excise Special Case No. 657 of 2018 arising out of Utpad Kand Case No. 15 of 2018 instituted for the offence under Section 30(a), 34 (b) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 80 litres of Escuf Cough Syrup without any valid document.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Vehicle of the petitioner took away by his driver for periodical servicing and on enquiry, he came to know that his vehicle has been seized by the Excise Police and co-accused,



namely, Intkhab has been arrested on spot verification. He has got no criminal antecedent. This matter does not come within the purview of Excise Act rather the same should be registered under the Drugs and Cosmetics Act.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Excise Spl. Case No. 657 of 2018 arising out of Utpad Kand Case No. 15 of 2018, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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