

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59086 of 2022

Arising Out of PS. Case No.-140 Year-2022 Thana- ALAMNAGAR District- Madhepura

Vijay Kumar @ Vijay Sharma S/o Late Rajaram Sharma @ Raja Ram Sharma
R/o Village- Ghumari, Ward no. 13, P.S.- Muffasil(Khagaria), Distt- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjana, Advocate
For the State	:	Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 At the outset learned counsel for the petitioner submitted that in the cause title of the bail petition, inadvertently, district has been wrongly typed as 'Madhepura' instead of 'Khagaria'.

Accordingly, learned counsel for the petitioner is permitted to make necessary corrections during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP 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



Alamnagar P.S. Case No. 140 of 2022 registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 01.06.2022.

The allegation against petitioner is to have in possession of 20 liters of Corex cough syrup.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of cough syrup was made from the bag attached with motorcycle, which is not connected, in any manner, with this petitioner. It is also submitted that petitioner is not the owner of alleged motorcycle and, as such, it can be safely gathered that recovery of alleged cough syrup was not made from the conscious physical possession of the petitioner. It is further pointed out that recovered cough syrup was manufactured by leading pharmaceutical company, where petitioner has to do nothing as far manufacturing activity is concerned. While concluding the argument, it is submitted that petitioner is involved in one more case of different nature, where he is on bail and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes



the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of alleged cough syrup not appears to be made from conscious physical possession of petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Alamnagar P.S. Case No. 140 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 Additional District and Sessions Judge-IV-cum-Special Judge, Excise Act, Madhepura/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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