

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10113 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- SINGHESHWAR District- Madhepura

Sonu Sah @ Sonu Kumar S/O Shivshankar Sah Resident Of Village- Mandir
Road, Ward No.- 3, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and section 21 of N.D.P.s. Act, 1985.

The prosecution case, in short, is that 2.8 liters cough syrup is recovered.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 2.8 liters cough syrup is recovered. The name of the petitioner has transpired on the basis of secret information as per F.I.R.. The source and genuineness of the secret information has not been disclosed by the prosecution. The recovered cough syrup does not come under



the purview of Excise Act rather it comes under the purview of N.D.P.S. Act. As such, the present prosecution is misconceived one and the petitioner has been made accused due to mistake of fact. There is no compliance of Section 100 of the Cr.P.C. and sections 42 and 50 of N.D.P.S. Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Madhepura in connection with Singheshwar P.S. case No. 163 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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