

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13303 of 2023**

Arising Out of PS. Case No.-313 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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Bikash Kumar Jaiswal @ Vikash Kumar Jaiswal S/O Lalbahadur Chaudhary
R/O Mohalla- Lohiya Nagar (Thumha), Ward No- 07, P.O and P.S and
District- Supaul, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 198.200 liters cough syrup is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in this case. It is alleged that 198.200 liters cough syrup is recovered from the car. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in this case as the petitioner is the owner of the car in question. Same is run



as public carrier. The petitioner had no knowledge regarding the nature of goods kept in the car. Nothing incriminating has been recovered from the conscious possession of the petitioner. Cough syrup does not come within the purview of Excise Act. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13-04-2022 passed by the Hon'ble Supreme Court in Cr. Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioner is not named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner, above named, in the event of arrest or 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/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-2, Excise Act, Supaul in connection with Supaul Excise P.S. case No.313/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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