

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26911 of 2023

Arising Out of PS. Case No.-172 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Kumar Shivraj @ Manish Kumar Son of Ravindra Prasad Singh @ Raman
Singh Resident of village - Alamnagar North, Ward no. 15, P.S. - Alamnagar,
Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
05.03.2023 in connection with Alamnagar, Madhepura Excise
P.S. Case No. 172 of 2023, F.I.R. dated 04.03.2023 for the
offences punishable under Section 30(a) of the Excise Act.

Recovery is of 410.500 liters of cough syrup.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that the petitioner has altogether purchased 3,666 bottles RTX cough syrup. He further submits that in fact, the petitioner has purchased the cough syrup from Baba Enterprises on 09.01.2023, 16.01.2023, 23.01.2023, 06.02.2023, 14.02.2023 and 25.02.2023. He further submits that the petitioner has license of wholesaler and retailer of the drug. He further submits that without the F.S.L report, the petitioner has been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 05.03.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhepura in connection with Alamnagar Madhepura Excise P.S. Case No. 172 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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