

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30712 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- NIRMALI District- Supaul

1. Om Shankar Prasad Son Of Late Hari Mahto R/O Village- Badi Pahari, Devi Asthan, Ward No.56, P.S.- Agamkuan, District- Patna
2. Jitendra Kumar Son Of Janardan Ram R/O Village- Noor Nagar, P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Iftexhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Nirmali
P.S. Case No. 06 of 2023 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 16.01.2023.

The allegation against the petitioners is to be engaged
in illegal trading/manufacturing of cough syrup, where, there is
recovery of 396.4 litres of cough syrup from the alleged vehicle.



Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 is the driver and petitioner no. 2 is the owner and they have been implicated only for the said reason with present offence. It is submitted that the entire details and explanations of consignment furnished by both of petitioners to investigating agencies, where nothing surfaced during the course of investigation that they were aware about the fact that alleged consignment of cough syrup is prohibited under Bihar Prohibition and Excise Act, 2016. While concluding the argument, it has been submitted that both petitioners are of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as where implication only appears being driver and owner of the vehicle carrying consignment of cough syrup, who are of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 16.01.2023, accordingly both the petitioners, above named, are directed to be released on bail in connection with Nirmali P.S.



Case No. 06 of 2023 on furnishing bail bond of Rs.10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Exclusive Special Judge,
Excise Court No. 2, Supaul/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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