

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35618 of 2023**

Arising Out of PS. Case No.-207 Year-2022 Thana- KHARIK District- Bhagalpur

Lalu Modi Son of Jagdish Modi Resident of Village- Kharik Bazar, Ps-
Kharik, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 06-07-2023 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Kharik P.S.
Case No. 207 of 2022 registered for the offence under Sections 30(a),
(f) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.03.2023.

The allegation against the petitioner is to have in
possession of 16 bottles of cough syrup, which is prohibited under
Bihar Prohibition and Excise (Amendment) Act, 2016 and also to
engage in trading of such illegal cough syrup.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner not apprehended on spot and mere on the



basis of suspicion that the alleged shop belongs to this petitioner, he was arrested in this case. It is submitted that apprehended co-accused persons have already granted bail by learned Trial Court itself. While concluding the argument, it has been submitted that petitioner is a man clean antecedent and moreover, investigation of this case has been 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 recovered illicit/illegal cough syrup not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.03.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kharik P.S. Case No. 207 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Bhagalpur/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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