

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37434 of 2023

Arising Out of PS. Case No.-144 Year-2023 Thana- GOGRI District- Khagaria

Chandan Kumar Son Of Pappu Singh Village Haripur P S Gogri Distt
Khagaria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-07-2023 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 Gogri P.S.
Case No. 144 of 2023 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.05.2023.

The allegation against the petitioner is to have in
possession of 140 litres of “R.J.T.” cough syrup which alleged
to be prohibited under Bihar Prohibition and Excise Act, 2016,
where alleged recovery was made from medical shop of this
petitioner.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovered cough syrup appears to be manufactured by licensed company and is not covered under Bihar Prohibition and Excise Act, 2016. It is submitted that the narration of the FIR suggest that implication is to be under Drugs and Cosmetics Act, 1940 and to be presented by way of complaint. It is submitted that seizure list is also appears disputed being not supported by independent witnesses rather by police personnel. It is submitted that alleged recovery not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that 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, while opposing the prayer of bail submitted that as one of the composition of alleged cough syrup is Alcohol, the petitioner was implicated under the Bihar Prohibition Act, 2016.

Considering the facts and circumstances as mentioned above as recovery of alleged cough syrup is not appears to be made from the conscious physical possession of this petitioner, where seizure list appears doubtful being not supported by



independent witnesses, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 01.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Gogri P.S. Case No. 144/2023 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 Excise Judge 1st, Khagaria/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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