

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41031 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- FALKA District- Katihar

Abbujar @ Abujar Son of Late Motiur Rahman Resident of Village -
Miyabagh (Mirzabagh), P.S.- Araria, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, 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 Falka
(Pothia) P.S. Case No. 92 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 29.03.2023.

The allegation against the petitioner is to have in
possession of 234 litres of cough syrup alongwith other co-
accused persons and also to involved in illegal trading thereof.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is not connected with alleged scarpio in any manner from where the alleged cough syrup was recovered. It is submitted that petitioner took a lift from the driver of vehicle for a local destination, in the meantime, police apprehended the said scarpio and petitioner got implicated with present case. It is submitted that even the fact of this case suggest that alleged vehicle is jointly occupied and, as such, it can be said safely that the recovery of cough syrup not made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner is a man of 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 and by taking note of the fact as recovery of alleged cough syrup not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 29.03.2023, accordingly, above named petitioner is directed to be released on bail in



connection with Falka (Pothia) P.S. Case No. 92 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 Additional District and Sessions Judge-cum-Exclusive (Excise) Judge Court No. 2, Katihar/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

