

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.482 of 2023

Arising Out of PS. Case No.-506 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Dilip Kumar @ Dileep Kumar Son Of Chandeshwari Sharma Resident Of
Village - Mathai, Ward No.- 06, P.S.- Madhepura, District - Madhepura.
... .. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh
For the Opposite Party/s : Mr.Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has prayed for bail in a case
registered for the offence punishable under sections 30(a) of
the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 94 litres of
Wiscof Codeine Syrup (Brand- Codeine Phosphate and
Tripolidine Hydrochloride Syrup) from a car.

Learned counsel appearing on behalf of the
petitioner has submitted that petitioner is innocent and has
committed no offence. It is submitted in para 10 of the
petition that according to the notification issued by the State
Government in exercise of powers the State Government



categorized of the category intoxicant the item has not been prescribed Wiscof Syrup is under the category of the items ban order from the Government. So, allegation under Section 30(a) of the Bihar Prohibition and Excise Act has not been made out against the petitioner. Petitioner has no concern with the alleged recovery. It is further submitted that due to the altercation took place between the petitioner and the police party on account of demanded bribe which was not paid by the petitioner then as a result of which the present case has been lodged. Moreover, the petitioner is languishing in judicial custody since 18.10.2022.

Learned APP appearing for the State has opposed the prayer of Bail and submitted that petitioner is driver of the vehicle in question.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction



of the learned Additional Sessions Judge VII-cum-Special Judge Excise II, Madhepura in connection with Madhepura Excise P.S. Case No. 506 of 2022.

The petitioner is directed to deposit a sum of Rs. 20,000/-(Rupees Twenty Thousands) in the concerned District Legal Services Authority.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 20,000/-(Rupees Twenty Thousands) in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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