

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12484 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- KHARIK District- Bhagalpur

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Bideo Yadav @ Vibhash Kumar, adult, male, aged about 35 years, S/o-
Prabhash Yadav, R/O Village- Tulsipur Yadav Tola, P.S.- Kharik, Dist-
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Baijnath Sah, Advocate

For the Opposite Party : Mr. Sharda Kumari, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 09-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kharik P. S. Case No. 140 of 2023 dated 14.06.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 1.400 MI M-DRYL cough syrup was recovered from the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the



possession of the petitioner. It is submitted that the name of the petitioner has sprung up in the present case on the basis of the confessional statement of the co-accused Md. Rahman. Except the confessional statement of the co-accused Md. Rahman, there is no substantive evidence to suggest the implication of the petitioner in the present case. It is further submitted that the alleged recovered M-DRYL cough syrup does not come under the Excise Act and the same is used for treatment of cough and cold of child. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bhagalpur in connection with Kharik P.S. Case No. 140 of 2023 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-



(I) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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