

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40076 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- HARSIDHI District- East Champaran

Mohan Ram Son of Late Bhagelu Ram R/O Vill.- Sonbarsa, P.S.- Harsidhi,
Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 143 of 2024 dated 20.03.2024 registered for the offence punishable under Section 21(b) of N.D.P.S. Act and Section 30(a) of The Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 4 litres of spirit and 30 tablets of Anxit 0.25 medicine.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that Anxit 0.25 is a medicine which is used to treat anxiety patient and the said medicine falls under Drugs and Cosmetic Act and not under N.D.P.S. Act. It is further



submitted that seizure list is not signed by the independent witness rather same is signed by the police party. Lastly, it has been submitted that the petitioner is in custody since 21.03.2024, having one criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Excise Court No. 1, East Champaran at Motihari in connection with Harsidhi P.S. Case No. 143 of 2024, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.



3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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