

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41309 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Ram Gyan Mahto S/o Late Bishun Dev Mahto R/o Village-Mubarakpur
Fulkari, P.S.-Birpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Archana Sinha, APP

For the Opposite Party/s : Mr. Nagendra Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with Town P.S. Case No. 211 of 2024 registered for the offence under Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. The petitioner is named in the F.I.R. and is in custody since 16.04.2024.

4. The allegation against the petitioner is having possession of 736 bottle each of 100 ml of Relax Cot-T, cough syrup, having one of the component as codeine. FIR not lodged under provisions of NDPS Act.

5. Mrs. Archana Sinha, learned counsel



appearing on behalf of the petitioner submitted that petitioner is the driver of the alleged tempo from where the cough syrup was recovered. It is submitted that nothing surfaced during the course of investigation which may suggest that petitioner was under knowledge for carrying the consignment of such material which is prohibited under the law. He was also not aware about the compositions of the cough syrup and during investigation it transpired that he was carrying the consignment from one medical shop to another. While concluding the argument, it is submitted that petitioner is found involved in two more criminal case where he is on bail and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission as recovery of alleged cough syrup not appears to be made



from the conscious physical possession of this petitioner, coupled with fact that charge-sheet has already been submitted, where petitioner is in custody since 16.04.2024, accordingly petitioner above named, is directed to be released on bail in connection with Town P.S. Case No. 211 of 2024 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 Begusarai/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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