

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42671 of 2024

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

Raj Babu Son Of Hare Krishan Mishra @ Hare Krishna Mishra Village-
Badalpura, Ward No. 04, Ps- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, 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 petitioner is having possession of 736 bottle each of 100 ml, Relax COF-T, cough syrup, having one of the component as codeine. FIR not lodged under provisions of NDPS Act.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is the co-driver/helper 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 components 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 a man of clean antecedent and moreover, investigation of this case is 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 *prima-facie* 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 I 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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