

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63915 of 2024

Arising Out of PS. Case No.-135 Year-2024 Thana- Excise P.S. District- Supaul

Rupesh Kumar Son of Mojelal Yadav @ Bhaujilal Yadav Resident of village
-Kaushalipatti PS -Pipra District- Supaul State Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Excise and Prohibition Supaul P.S. Case No. 135 of
2024 registered for the offence under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

3. The petitioner is named in the F.I.R. and is
in custody since 05.06.2024.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of cough syrup,
where, there is recovery of 190 litres of cough syrup of
Wiscof company.

5. Learned counsel for the petitioner submitted



that petitioner has been falsely implicated in present case being the driver of the vehicle alleged to be carrying consignment of cough syrup. It is submitted that nothing surfaced during course of investigation which may suggest *prima-facie* that the petitioner being the driver was under knowledge for carrying consignment of cough syrup. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, seizure list also appears doubtful being supported by police personals only rather by independent witnesses.

6. Learned APP, opposes the prayer of bail.

7. In view of aforesaid facts and circumstances as implication of petitioner appears only being driver of the vehicle, where seizure list also appears to be disputed, accordingly, petitioner above named, is directed to be released on bail in connection with Excise and Prohibition Supaul P.S. Case No. 135 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 Additional District and Sessions Judge cum Special Judge-excise, Supaul/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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