

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63970 of 2024

Arising Out of PS. Case No.-726 Year-2024 Thana- Excise P.S. District- Patna

1. Raj Kumar S/o Arvind Kumar R/o Mohalla - Idea Mobile Tower, Amardeep Nagar, Dhelwan, P.S. - Ramkrishna Nagar, Distt. - Patna
2. Mantu Kumar S/o Mahendra Prasad R/o Mohalla - Mustafapur Nagwan, P.S. - Nagarnausa, distt. - Nalanda

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2024 Heard learned counsel appearing on behalf of the petitioners and Mr. Ram Bilash Roy Raman, learned A.P.P. for the State.

2. Petitioners seek bail in connection with Barh Excise P.S. Case No. 726 of 2024 registered for the offences under Section 30(a) of Bihar Prohibition & Excise Act, 2016.

3. The petitioners are named in the First Information Report and are in custody since 31.07.2024.

4. The allegation against the petitioners is to have in possession of 205 litres of Codeine



Syrup and engaged in illegal trading/manufacturing of the same. F.I.R. not suggesting any accusation under N.D.P.S. Act.

5. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners took a lift through alleged vehicle for a short destination, after some time, the vehicle was intercepted by police, whereafter these petitioners were asked to sign on the seizure list, which was refused by them and thereafter they were implicated with the present case as accused, otherwise, petitioners have no connection either with the vehicle in issue or alleged recovered illicit liquor. It is submitted that petitioners are men of clean antecedent. While concluding argument, it is submitted that investigation of this case is completed and charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

7. Considering the facts and circumstances



as mentioned above and by taking note of the fact as recovery of Codeine Syrup not appears to be made *prima-facie* from conscious physical possession of the petitioners, who are men of clean antecedent, accordingly, above-named petitioners are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Barh, Patna/concerned court, in connection with Barh Excise P.S. Case No. 726 of 2024, subject to the condition as laid down under Section 437 (3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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