

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71628 of 2024

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

Vikas Kumar @ Vikash Kumar @ Bikash Kumar Son of Nandan Mehta
Resident of Village - Chaughara, Ward No.10, P.S. - Supaul, District - Supaul,
State - Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-10-2024 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 took lift for a short destination and in the meantime, the raid was made and petitioner was apprehended with present case. It is submitted that nothing surfaced during the course of investigation which may suggest that petitioner was under knowledge of consignment of alleged cough syrup and therefore, it can be safely gathered that recovery was not made from his conscious physical possession. It is submitted that petitioner is not connected in any manner either with alleged recovered cough syrup or with car. It is pointed out that co-accused, Rupesh Kumar, who was the driver of the vehicle has already granted bail through Cr. Misc. No. 63915 of 2024 dated 11.09.2024 by this Court. While concluding the argument, it is submitted that investigation of this case is completed and 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 circumstances



as alleged recovery of cough syrup appears *prima-facie* doubtful from possession of this petitioner coupled with the fact that investigation is already completed where petitioner is in custody since 05.06.2024, 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 Exclusive Special Judge, Excise Court No.-2, 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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