

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77282 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- Excise P.S. District- Madhepura

Manish Thakur Son of Chandradev Thakur Resident of village- Khurhan
Ward No.-1, P.S.- Alamnagar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Udakishunganj Excise
P.S. Case No. 173 of 2024, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 8.5 liters
illegal codeine cough syrup was recovered from plastic sack and
the petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel



for the petitioner also submits that 1 liter cough syrup contains 2 gm codeine. Hence, total 17 gm codeine has been recovered from 8.5 liter of cough syrup. It is further submitted that the said contraband is below the commercial quantity. It is next submitted that the petitioner was a passerby of that way and was apprehended on the basis of suspicion. The petitioner is in custody since 06.09.2024 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Udakishunganj Excise P.S. Case No. 173 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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