

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10076 of 2025

Arising Out of PS. Case No.-299 Year-2023 Thana- JOGBANI District- Araria

Md. Nehal @ Md. Bhola @ Bhola, aged about 29 years (Male), S/O Md. Chhotu @ Chhotu Miyan @ Chhote Miya, Resident of village- Khajurbari, Ward No.- 15, Police Station- Jogbani, District-Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party : Mrs. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Jogbani P.S. Case No. 299 of 2023 dated 14.02.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 47.5 litres of Codeine Escuf Cough Syrup is said to have been recovered from the cowshed which was concealed under the straw from the house of the co-accused.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He was not arrested on the spot. His name has



surfaced in the present case on the basis of disclosure made by the local Chaukidar. No incriminating article has been recovered from his possession. He has no concern with the illicit liquor which was seized from the alleged place of occurrence. The said recovery was made from the cowshed of the co-accused Phulwa. It is further submitted that earlier the anticipatory bail application of the petitioner was dismissed as withdraw by another Co-ordinate Bench of this Court vide Cr. Misc. No. 45569 of 2024 under order dated 04.09.2024, annexed as Annexure-P/1 to the present bail petition. The petitioner has four criminal antecedents and in three cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 09.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that the said contraband come under the purview of N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive



Special Excise Court-2, Judge, Araria in connection with
Jogbani P.S. Case No. 299 of 2023 with further condition:-

- I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.
7. The application stands allowed.

(Chandra Prakash Singh, J)

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