

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79053 of 2024

Arising Out of PS. Case No.-2050 Year-2024 Thana- Excise P.S. District- Patna

Girish Kumar Son of Chhabi Lal Singh Resident of Village- Khinjar Sarai ,
Ismailpur , P.S- Khinjarsarai , Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mauar, Adv.

For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) (F), 32(1)(2)(3), 41(1)(2) and 56(b) of the Bihar Prohibition and Excise Act.

3. A perusal of the First Information Report and the seizure list would go to show that 2800 liters of restricted codin based cough syrup was recovered from the godown of New Shriram transport company, Jakariyapur and the said godown is in the name of the petitioner.

4. It has been submitted by the learned counsel for the petitioner that the petitioner is the owner of transport company and it is a registered firm and hence, goods are booked in the name of many customers and they are packed as per the



description prescribed by the consumers. Learned counsel for the petitioner further submits that the allegations levelled in the FIR are not correct and besides the fact that no recovery was made from the physical and conscious possession of the petitioner the seizure was also prepared in complete violation of the mandatory provisions of the search and seizure inasmuch as no independent witness signed seizure list. It has next been submitted by the learned counsel for the petitioner that the FSL report dated 31.08.2024 attached to the case diary would go to show that when the sample was analyzed the ethile alcohol content was totally absent (0.0%).

5. Learned APP for the State has opposed the prayer for grant of anticipatory bail.

6. In such view of the matter and also taking into consideration that the petitioner is a businessman and has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-



IIIrd, Patna in connection with Patna Excise P.S. Case No.2050 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that:-

(i) The petitioner shall cooperate in the investigation/trial.

(ii) The court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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