

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 40525 of 2016

Arising Out of PS.Case No. -386 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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Santosh Kumar Banka son of Kasinath Banka resident of Mundichak (Near
Sadar Hospital) Police Station- Tilkamanjhi, District- Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal
Md. Najmul Hodda
For the Opposite Party/s : Mr. Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 05-12-2016 Heard Sri N.K.Agrawal, learned senior counsel

assisted by Md. Najmul Hodda, learned counsel for the petitioner

and Sri Binod Kumar no. 3, learned Addl. Public Prosecutor.

The sole petitioner, who is in custody only since 7th
August, 2016 in Kotwali P.S. Case No. 386 of 2016 registered for
offence under Sections 27(b)(ii), 28, 28A of Drugs and Cosmetics
Act, 1940 and Section 22(b) of Narcotic Drugs & Psychotropic
Substances Act, 1985, has prayed for grant of bail.

It was submitted by learned senior counsel for the
petitioner that petitioner has falsely been implicated. He further
submits that it is not a case of recovery of any contraband articles,
but it was a case, in which, *Corex* cough syrup was recovered and



on this very ground, the petitioner has been made accused. Even the petitioner was not named in the F.I.R.

However, learned Addl. Public Prosecutor, by way of referring to statement made in paragraph – 17 of the case diary, submits that petitioner's name has come, which suggests that petitioner has actively participated with other accused person for commission of offence.

In view of nature of accusation, I do not find any ground to extend the privilege of bail.

Dismissed.

(Rakesh Kumar, J.)

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