

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.11858 of 2017**

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

=====

Santosh Kumar Banka, Son of Late Kasinath Banka, resident of  
Mundichak (Near Sadar Hospital), P.S.- Tilkamanjhi, District- Bhagalpur.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr.Madan Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2      22-03-2017                      Heard Sri N.K.Agrawal, learned Senior Counsel,  
  
assisted by Sri Vijay Anand, learned counsel for the petitioner and  
  
Sri Madan Kumar, learned Addl. Public Prosecutor.

This is the second attempt for grant of bail on  
behalf of the petitioner in Kotwali P.S. Case No.386/2016,  
registered for the offence under Sections 27(b)(ii), 28/28A of  
Drugs and Cosmetics Act, 1940 and Section 22(b) of Narcotic  
Drugs and Psychotropic Substances Act, 1985.

It was submitted by learned Senior Counsel  
appearing on behalf of the petitioner that the petitioner has been  
made accused on an accusation of recovery of Corex Cough  
Syrup. He reiterated that it is not a case of recovery from  
conscious possession of the petitioner.



Since on merit, earlier the prayer for bail of the petitioner was rejected there is no need to take notice of submission of learned Senior Counsel regarding recovery of contraband articles. However, Sri Agrawal, learned counsel appearing on behalf of the petitioner has argued that pursuant to an order passed by Delhi High Court regarding Corex Syrup, in number of case accused persons have been given the benefit and, as such, it would be appropriate to extend the privilege of bail to the petitioner.

Considering the facts and circumstances, particularly the allegation of recovery of Corex Syrup and the fact that the petitioner is in custody since 7<sup>th</sup> August, 2016, let the petitioner, namely, Santosh Kumar Banka be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Bhagalpur in connection with Kotwali P.S. Case No.386/2016.

**(Rakesh Kumar, J)**

NKS/-

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