

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2947 of 2018

Arising Out of PS.Case No. -202 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

1. Jamshed Alam @ Md. Jamshed Alam S/o Abushalay Alam @ Md. Abushalah, R/o Village- Chodhli, P.S.- Beldaur , District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Kishor Poddar

For the Opposite Party/s : Mr. Ramchandra Sahani

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

02 24-01-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner seeks bail in Chautham P.S. Case No.

202 of 2017 registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

1500 bottles each containing 100 ml of codeine phosphate and Tripolidine Hydrochloride syrup was seized from the tenanted house of the petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. The seized drugs do not come under the Excise Act rather under the Drugs and Cosmetics Act. It is also submitted that regarding the same



occurrence and seizure Chautham P.S. Case No.203 of 2017 has been instituted against the petitioner under Section 18/18 (a)/18 (c) of the Drug and Anrag Act. Hence, for the same occurrence two cases cannot be lodged against the petitioner. He has been falsely implicated in this case. He has no concern with the aforesaid business of drugs. He has no criminal antecedent. The petitioner has been languishing in custody since 23.11.2017. .

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.1st Khagaria, in connection with Chautham P.S. Case No.202 of 2017.

(Prakash Chandra Jaiswal, J)

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