

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50250 of 2018**

Arising Out of PS. Case No.-102 Year-2018 Thana- BIRPUR District- Supaul

Dev Kumar Paswan @ Deva Paswan S/o Shri Nandlal Paswan, R/o Ward No. 14, Bhim Nagar, Lalpur, Bhim Nagar Baraji, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Sri Panchanand Pandit

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      13-09-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Section 276(ii) of Drugs and Cosmetics Act, 1940, 23(a) of N.D.P.S. Act and Section 120B of the Indian Penal Code.

Prosecution case, in short, is that in a raid conducted by the police, the accused person was arrested with cough syrup using Codeine Phosphate.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.4.2018 and has got no criminal antecedent. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Cough syrup is alleged



to have been recovered containing Codeine Phosphate. The same is used for medication. Hence, no offence is made out under the aforesaid Act.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge-cum- Special Judge, Supaul in connection with Birpur P.S. Case No. 102 of 2018.

**(Sudhir Singh, J)**

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