

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12546 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- SONBERSA District- Sitamarhi

LOK BAHADUR @ LOK BAHADUR ADHIKARI, Son of Shiv Bahadur
Adhikari @ Shiv Bahadur, Resident of Village- Haripur, PS- Haripur, District
- Sarlahi, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 01.12.2018 in a case registered for the offences punishable under Sections 336 and 418 of the Indian Penal Code and Sections 18A, 18B, 27(6)(ii), 28, 28A of the Drugs and Cosmetics Act, 1940 and Section 36A of the NDPS Act.

The prosecution case got initiated on the basis of written report submitted by Sunil Kumar to the Station House Officer, Sonbarsha Police Station is to the effect that on 30.11.2018 at 11.00 A.M., after having received information that two persons are crossing the Nepal border with Corex company Cough Syrup, a raid was laid when two persons



travelling on a motorcycle were apprehended.

It is submitted by learned counsel for the petitioner that the petitioner has been roped in the present case only on the basis of suspicion since he was travelling on the motorcycle from which the recovery has been made. It is further submitted that the investigation has already been concluded and similarly situated co-accused Hari Thapa @ Hark Bahadur Thapa @ Hark Bahadur has been granted bail vide order dated 20.02.2019 passed in Criminal Miscellaneous No. 10200 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the recovery has been made from the petitioner.

Considering the fact that the present case under the wrong provision of the NDPS Act, has been registered, there is nothing on record to suggest the percentage of intoxicating material in the seized cough syrups, the investigation has already been concluded and similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the



above named petitioner 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 ADJ-I, Sitamarhi, in connection with Sonbarsa P.S. Case No. 222 of 2018.

(Dinesh Kumar Singh, J)

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