

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67699 of 2018

Arising Out of PS. Case No.-221 Year-2018 Thana- JOGBANI District- Araria

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Dinesh Paswan S/o-Bhola Paswan, Resident of -Tikuliya Basti, Ward No. 10,
P.S.-Jobani, Distt.-Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur
For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 21/22 of N.D.P.S. Act and Sections-27(b)/28 read with Drugs and Cosmetics Act.

The prosecution case, in brief, is that 740 bottles of 100 ml. Each Dialex DC cough syrup was recovered from the Scorpio and the driver disclosed that the same syrup is to be delivered to the petitioner.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The name of the petitioner has transpired in this case on the basis of disclosure made by Bimal Kumar Sah. 74



litres Diallex DC cough syrup is alleged to have been recovered. Same cannot be said to be intoxicant. No offence under the provision of NDPS Act or Drugs and Cosmetics Act is made out. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Araria in connection with Jogbani P.S. Case No. 221 of 2018 corresponding to Special Case No. 18 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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