

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49573 of 2019

Arising Out of PS. Case No.-409 Year-2019 Thana- SAHARSA District- Saharsa

1. Rajesh Kumar, aged about 22 years, Male, Son of Late Laldeo Sharma, Resident of Village - Kayasth Tola, Ward No.28, Saharsa, P.S.- and Dist.- Saharsa.
2. Raju Kumar, aged about 20 years, Male, Son of Late Laldeo Sharma, Resident of Village - Kayasth Tola, Ward No.28, Saharsa, P.s.- and Dist.- Saharsa.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Subesh Sharma, Advocate.
For the Opposite Party : Mr.Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-08-2019 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are languishing in custody since 05.05.2019 in a case for the offence registered under Sections 188, 420/34 of the IPC, 18 (C), 27(b)(ii), 18(A) and 36 A.C. of Drugs and Cosmetic Act, 1940 (Amendment- 2008).

The prosecution story, in brief, is that the Drug Inspector, Saharsa-II, namely, Pankaj Suman got telephonic information that Codeine Phosphate has been stored at Kaistha-Tola, Saharsa, in the house of Late Laldev Sharma and the miscreants are managing to dispose of those medicines. Taking help of police party, the informant raided the place of storage.



On arrival of the police party, two youth started fleeing but having chased they were captured. Later on, they disclosed their names and in the meantime, many people assembled there. The search was made in presence of independent persons and recovery of 600 pieces of Codeine Phosphate mixed Dr. COF 100 ml. cough syrup and 165 pieces of Codeine Phosphate mixed MDRYLO-C 100 ml. cough syrup, 135 pieces were recovered. These medicines were packed in 10 Cartoons. The seizure Memo on Form-16 was prepared alongwith Form-17 and 17-A for being sent to Chemical Laboratory.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per allegation, cough syrup is said to have been recovered. There is no compliance of Section 100 of Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties



of the like amount each to the satisfaction of the learned C.J.M.
at Saharsa, in connection with Saharsa Sadar P.S. Case No. 409
of 2019.

(Sudhir Singh, J)

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