

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40072 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- JALALGARH District- Purnia

SHIV KUMAR SAH Son of Tej Narayan Sah Resident of Harchandra Pur,
P.S.- Jalalgarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 25-03-2021 Heard Md. Fazle Karim, learned counsel for the

petitioner and Mr. Shantanu Kumar, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Special Case No. 15 of 2020 arising out of Jalalgarh P.S. Case
No. 95 of 2020, registered for the offences punishable under
Sections 272, 273 of the Indian Penal Code 1860, Section 30(a)
of the Bihar Prohibition and Excise Act, 2016, Sections 21(a),
22(b) of NDPS Act, 1985, Section 27(b) of the Drugs and
Cosmetics Act, 1940 and Section 27 of the Arms Act.

The allegation as per the First Information Report is
that a Santro Car in which the petitioner and other accused
persons were travelling, was intercepted by the Police and 8.25
litres of illicit foreign liquor, 65 bottles of Codeine WIROF



Syrup and 19 bottles of Dextromethorphan ESKUP DX Syrup were recovered from the same. It has further been alleged that the Mobile phone of the petitioner which was kept in the Santro Car was also recovered.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the petitioner is neither the owner of the car nor the Motorcycle which was seized from the place of occurrence. Learned counsel further submits that the provision of Section 50 of NDPS Act has not been followed at the time of search and seizure. Learned counsel also submits that similarly situated co-accused person Ravi Kumar Biswas has been granted bail by the learned court below.

On the other hand, learned counsel for the State submits that the illicit liquor and the Codeine syrup which was more than the small quantity, was recovered from a Santro Car in which the petitioner was sitting and Mobile Phone of the petitioner was also seized from the said Car. Learned counsel further submits that the petitioner has got criminal antecedents inasmuch as two cases are pending against him.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact



that illicit liquor and codeine Syrup have been recovered from the Santro Car and the petitioner has got criminal antecedents, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after six months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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