

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5544 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- MURLIGANJ District- Madhepura

Satish Kumar S/O Jaynarayan Yadav @ Jainarayan Yadav R/O Village-
Madhaili Bazar, Ward No. 12, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Amarnath Jha, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with NDPS Case No. 29 of 2021 arising out of
Murliganj P.S.Case No. 382 of 2021 for the offences
punishable under Sections 21(C) of the Narcotic Drugs&
Psychotropic Substance Act and section 30(a) of Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that on
27.10.2021, the police intercepted two persons, who were



coming on a motorcycle and on search being made 230 pieces of Codeine Cough Syrup each containing 100ml, total 23 liters were recovered from a Trolley Bag.

It is submitted by the learned counsel for the petitioner that there is no recovery from the conscious possession of the petitioner rather the same has been recovered from a trolley bag in the joint possession of the petitioner and the co-accused person. It is further submitted that the alleged recovered Cough Syrup cannot be said to be narcotic drugs and hardly it can be a case of transporting Drugs without licence. Further the recovered drugs containing codine, weighing much below the commercial quantity. Moreover, investigation has already been completed and charge sheet has been submitted. Petitioner is in custody since 28.10.2021, apart from the fact that petitioner is a student and preparing for competitive examination, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has been



made from joint possession of the co-accused. Moreover, the alleged recovered cough syrup (substance) does not come under the commercial quantity and apart from the fact that investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Madhepura in connection with Murliganj P.S. Case No. 382 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable



to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J.)

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