

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14036 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- CHHAURADANO District- East
Champaran

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Santosh Baitha Son Of Ramnath Baitha R/O Village- Sirisiya Mal Noniya,
P.S.- Nakardei, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, A.P.P

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned A.P.P
for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks form today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 18(c) and
21(b) of the N.D.P.S. Act.

Allegation is of recovery of 140 grams of Codeine
wrapped in two white packets from the possession of the
petitioner.

Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Further, it is submitted that there was situation of pandemonium and stampede at the time of chase of the offender, who succeeded in making good escape after throwing two packets containing codeine, and the petitioner, while crossing the road at the very point of time, he was apprehended on suspicion. The alleged packets containing codeine, found on the road side in abandoned condition, but innocent persons like him indulge into hot altercation with the police. It is submitted that Codeine has been mentioned at serial no. 28 of the table appended to the N.D.P.S Act, which reveals that small quantity is 10 grams while commercial is 1 Kg. and, therefore, the stringent condition as contained under Section 37(1)(b) of the N.D.P.S Act are not found attracted. It is further submitted that there is non-compliance of requirements of Section 42(1) & (2) of N.D.P.S. Act and while making the search of the person of the petitioner, the mandatory provision of Section 50 of the N.D.P.S. Act have not been complied with. Further, it is submitted that the petitioner is in custody since 24.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned A.P.P for the State opposes the prayer for regular bail of the petitioner.



Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 216 of 2021.

(Khatim Reza, J)

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