

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14267 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- KUMAR KHAND District- Madhepura

Vibhash Kumar, Son Of Virendra Thakur, R/O Village- Ramganj, P.S.-
Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate
Mr. Rajnish Kr. Singh, Advocate
For the Opposite Party/s : Mr. Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-07-2022 The matter has been listed today under the category of
‘To Be Mentioned’ cases, though it should have been listed ‘For
Orders’.

Office is warned to remain cautious in future while listing the matters.

Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kumarkhand P.S. Case No. 42 of 2022, registered for the alleged offences under Sections 21 (B), 22 (B)



of Narcotics Drug and Psychotropic Substances Act and Section 30 (a) of the Bihar Prohibition and Excise Act.

The prosecution case is that a raid was conducted on the house of the petitioner on information that he has been selling liquor from his house. However, on search of his house, total 50 bottles each of 100 ml of Codeine Phosphate and Triprolidine Hydrochloride Syrup were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and nothing incriminating has been recovered from his conscious possession. There is no independent witness to the alleged recovery and the recovered syrup has not been sent for its chemical examination. Without ascertaining the composition of the syrup, the petitioner has been made an accused. Moreover, in 100 ml of syrup, there is only 0.5 mg of Codeine present. So, cumulatively if the prosecution case is taken to be true, it would only 500 mg of codeine which comes under the purview of small quantity. No recovery of any liquor has been made, though a raid has been conducted on information that the petitioner has been selling the liquor. The petitioner is in custody since 26.01.2022 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail made on



behalf of the petitioner.

Having regard to the submissions made hereinabove and considering the fact of recovery of small quantity of codeine and that the charge sheet has been submitted and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura in connection with Kumarkhand P.S. Case No. 42 of 2022, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)



