

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16519 of 2022

Arising Out of PS. Case No.-610 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

-
1. Ranjeet Mandal Son of Shri Mankesh Mandal Resident of Village -
Gugupada, P.S. - Islampur, Distt. - Murshidabad (West Bengal).
 2. Tahseen Sheikh Son of Md. Insar Sheikh Resident of Village - Rajapur, P.S. -
Rani Nagar, Distt. - Murshidabad (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Aurangabad Town P.S. Case No. 610 of 2021 registered for the
offence under Sections 30(a) & (f) of the Bihar Prohibition and
Excise (Amendment) Act, 2018 and Sections 21(b), 25 and 29
of the N.D.P.S. Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 19.12.2021.

The allegation against the petitioners is to have in
possession of 2625 bottles of Phensedyl new cough linctus



syrup containing 525 grams of Codin Phosphate and 90 bottles of Phensedyl new cough linctus syrup containing 18 grams of Codin Phosphate, which is contraband in terms of N.D.P.S. Act, 1989.

Learned counsel appearing on behalf of the petitioners submitted that nothing surfaced during the course of investigation, which may suggest that both the petitioners were aware about the consignment of alleged contraband and liquor. It is submitted that the cough syrup is manufactured by reputed pharmaceutical company, which is in no way connected with the petitioners, who are driver and co-driver of the alleged pick-up vehicle, used for the transportation purposes and further nothing recovered from the conscious physical possession of the petitioners. It is also submitted that compliance of Section 50 of N.D.P.S. Act was not made and also the seizure list is disputed, as same is not supported by independent witnesses, which is in violation of Section 100(4) of Cr.P.C. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while



opposing the prayer for bail, fairly conceded that petitioner no.1 was the driver and petitioner no.2 was the co-driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said to be made from the conscious physical possession of the petitioners, having clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Aurangabad Town P.S. Case No. 610 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge (N.D.P.S.), Aurangabad/concerned Court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by



the documents.

(ii) That one of the bailors shall be Sanjit Mondal, who is the brother of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

