

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21339 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- SINGHESHWAR District- Madhepura

SONU SINGH Son of Late Santosh Singh Resident of Village - Patori, P.S.-
Singheshwar, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rohit Kumar Sharma

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Singeshwar P.S. Case No. 232 of 2021 registered for the alleged offences under Sections 8(c), 22(c), 23, 24, 25, 27(a) and 29 of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, a raid was conducted on receipt of secret information by the police that the petitioner has stored huge quantity of illicit foreign liquor in his house but no such liquor was recovered. However, recovery of 600 pieces of

100 ml of Wiscof cough syrup was made from the house of the petitioner. The petitioner escaped from the spot when the raid was being conducted.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The house from where the cough syrup was seized does not belong to this petitioner. The seizure list has been prepared without following the due process. Similarly the police has not followed the provisions of Section 41 and 42 of the NDPS Act while making search and seizure. Moreover, the cough syrup contains codeine to the extent only it is used for therapeutic purpose and the same does not belong to this petitioner and if it is a drug it would be covered under Drugs and Cosmetics Act and not under NDPS Act. Learned counsel further submits that charge sheet has been submitted in this case and the petitioner is in custody since 17.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the fact that the recovery of cough syrup containing only small quantity of codeine has been made and further considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been shown to have

recovered from the person of this petitioner and also considering the submission of charge sheet and the period of custody of the petitioner, the petitioner above named 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 Singeshwar P.S. Case No. 232 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be the person, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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.

(Arun Kumar Jha, J)

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