

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23506 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- JANKINAGAR District- Purnia

Nitish Kumar Son of Sri Indeshwari Yadav Resident of village - Ram Nagar,
P.S.- Banmankhi, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 08-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No.12 of 2022 arising out of Jankinagar P.S. Case
No. 12 of 2022 lodged under Section 21 (C) of the NDPS Act.

The statement made in the F.I.R. is that accused was
in possession of NDPS material in the form of cough syrup
alleged to be 1097 bottle of 100 ml.

Learned counsel for the petitioner submits that cough
syrup of 100 ml. contains 0.1 mg of *codeine* and when it shall
be calculated in the NDPS material it shall be 10.9 gram only.
He further submits that as per the schedule of NDPS Act the

small quantity is 10 gram and the commercial quantity is 250 gram as such the present case is not covered under Section 37 of NDPS Act. He further submits that petitioner is in custody since 20.01.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS Act, Purnea in connection with Special Case No.12 of 2022 arising out of Jankinagar P.S. Case No. 12 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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