

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24450 of 2022

Arising Out of PS. Case No.-572 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

Manny Singh @ Manish Kumar Singh Son Of Kavi Singh @ Kavinandan
Singh R/O Surkhikal, Near Medical Quarter, P.S.- Barari, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.
For the Opposite Party/s : Mr. Nand Kumar, APP.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-08-2022 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
Kotwali (Barari) P.S. Case No. 572 of 2021 lodged under
Sections 27 (b)(ii), 28 of Drugs and Cosmetics Act, 1940 read
with Section 22(b) of Narcotic Drug and Psychotropic
Substance Act, 1985.

As per the allegation of prosecution, the total recovery
of 417 bottles of cough syrup containing codeine which is a
NDPS material alleged to be recovered.

Learned counsel for the petitioner submits that it is

true that codeine is a NDPS material and as per schedule the small quantity of codeine is 10 gram. Learned counsel for the petitioner submits that each 100 ml. of cough syrup contains 1 milligram of codeine, in this way, if total 417 bottles syrup shall be counted then it comes to 4.17 gram codeine only which is below than the small quantity. Learned counsel for the petitioner further submits that Section 37 of the NDPS is not attracted in the present case. He further submits that petitioner is in custody since 24.01.2022, chargesheet has already been submitted and the petitioner is accused in 2 cases of different nature, in one of which he has been acquitted and in another, he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that it is true that NDPS material has recovered but it is less than small quantity.

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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (Drugs & Cosmetic Act), Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 572 of 2021, 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ritik/-

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