

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27859 of 2022

Arising Out of PS. Case No.-226 Year-2022 Thana- MADHEPURA District- Madhepura

CHANDAN KUMAR S/o Shri Upendra Yadav @ Upendra Kumar R/o
village- Amha, P.S.- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with
Madhepura P.S. Case No. 226 of 2022 registered for the offence
under Section 21(a) of the N.D.P.S. Act and 30(a) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 9.800 litres of corex cough syrup.



Learned counsel appearing on behalf of the petitioner submitted that recovery was made from the motorcycle which was jointly occupied by other co-accused persons, and as such it cannot be said to be recovered from conscious physical possession of the petitioner. It is submitted that petitioner is no way connected with the alleged motorcycle and corex cough syrup. It is also submitted that cough syrup containing one of the substance which is 'Codeine' as contraband, the quantity of contraband is less than small quantity, where maximum punishment is of one (1) year. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that alleged motorcycle was jointly occupied by other co-accused persons.

Considering the facts and circumstances as mentioned above, as recovery of cough syrup was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Madhepura P.S. Case No. 226 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge N.D.P.S., Madhepura/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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