

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30189 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

Md. Aatif @ Md. Monawwer Jamal, Son Of Md. Ashraf @ Md. Ashraf Jamal,
R/O Village- Puraini, P.S.- Jagdishpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Jagdishpur (Bypass) P.S. Case No. 382 of 2021, registered for the alleged offences under Sections 18C, 27(b)(ii), 28/28(A) of Drug and Cosmetics Act and Section 22(B) of the N.D.P.S. Act.

As per prosecution case, from the petitioner and other co-accused persons, a bag containing a number of bottles containing codeine was seized during checking and altogether 124 bottles each of 100 ml of drugs of brand name Dialex DC



syrup and wirof syrup were seized, total quantity recovered is stated to be 12.4 litres.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. No offences under any of the Sections of NDPS Act are made out against the petitioner and offence under the Drugs and Cosmetics Act are bailable in nature. The petitioner is in custody since 21.11.2021 and charges have already been framed in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the huge quantity of cough syrup was recovered from the petitioner and other co-accused persons.

Having regard to the submissions made hereinabove and considering the fact that the recovery is stated to be that of syrup/medicine containing codeine but nothing came on record about the quantity of codeine and also considering the fact that the petitioner has got no criminal antecedent and further considering the period of his custody, 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 Additional Sessions Judge 1st-cum-Special Judge (Drugs and Cosmetics Act), Bhagalpur, in connection with Jagdishpur (Bypass) P.S. Case No. 382 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)

V.K.Pandey/-

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