

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41768 of 2021**

Arising Out of PS. Case No.-10 Year-2021 Thana- SINGHESHWAR District- Madhepura

BIJAY MAHTO Son of Rooplal Mahto Resident of Village- Gauripur, Ward
No.3, P.S.- Singheshwar, District- Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Patla Kumari
For the Opposite Party : Mr. Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 06-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
N.D.P.S. Special Case No. 2 of 2021, arising out of Singheshwar
P.S. Case No. 10 of 2021, registered for the offence punishable
under Section 8(C), 23, 24, 25, 27-A/29 of N.D.P.S. Act and
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The petitioner runs a tea stall. Allegedly, on the
basis of secret information that the petitioner was involved in
illicit sale of cough syrup, namely, Dialex-DC and Codiwell, a
raid was conducted, which led to recovery of 28 bottles of



cough syrup.

Learned counsel appearing on behalf of the petitioner has drawn my attention to the seizure list to contend that the recovery of the cough syrup cannot be said to be from the petitioner's possession, rather recovery was made from a place near petitioner's tea stall. The petitioner is in custody since 06.04.2021.

Considering the nature of allegation against the petitioner, as disclosed in the First Information Report, and his period of incarceration, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Madhepura, in N.D.P.S. Special Case No. 2 of 2021 arising out of Singheshwar P.S. Case No. 10 of 2021.

(Chakradhari Sharan Singh, J)

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