

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34115 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- MUZFFARPUR GRP CASE District-
Muzaffarpur

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REMAN SK @ REMAR SK Son of Halaluddin SK Resident of village -
Meherapur, P.S.- Mothawari, District - Malda (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Rail P.S. Case NO. 41 of 2022 for the offences under
Sections 27 (b) (ii), 27(d), 28, 28(A) of the Drugs & Cosmetics
Act and Section 21(b) of the NDPS Act.

As per the FIR, the petitioner was caught in Coach
No. S-1 by the Railway Police while checking the Train No.
15232, Gondiya Express and it is alleged that phensedyl cough
syrup of 100 ml bottles altogether 425 bottles were
recovered/seized.



As per the counsel for the petitioner, one unclaimed bag was attributed to him by the police from which the alleged recovery was made. His further submission is that the same is lesser than the commercial quantity i.e. envisaged under the NDPS Act, inasmuch as while the alleged recovery is of 85 grams, the commercial quantity is 250 grams.

Taking into account the aforesaid fact and the alleged recovery/seizure is 85 gram (as stated in paragraph-8 of the bail application), he is in custody since 08.12.2021 and has no criminal antecedent, this Court is inclined to grant him the privilege of bail.

If however, it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of Additional District & Sessions Judge-1st, Muzaffarpur in connection with Rail P.S. Case No. 41 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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