

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37177 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- TEGHRHA District- Begusarai

HARIOM KUMAR SON OF SURENDRA CHOUDHARY RESIDENT OF
VILLAGE- ATARUA, WARD NO. 12, P.S.- BHAGWANPUR, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Adv.
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 17-10-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with NDPS
Case No. 17 of 2022 arising out of Teghra P.S. Case No. 52 of
2022 registered for the offences punishable under Sections
30(a), 3(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 18 bottles of Smilax
Company cough syrup each containing 100 ml alongwith 90
tablets of Alprazolam were recovered from the bag and
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 26.02.2022 and bears criminal antecedent of one case which is not similar to the present case. He further submits that nothing has been recovered from possession of the petitioner. Seizure list has not been made as per law. He further submits that report of Bihar Drugs Control Laboratory, Government of Bihar shows that each 5 ml syrup contains 9.94 mg codeine phosphate. He further submits that total 1800 ml cough syrup has been recovered in which total quantity of codeine is 3.5784 gm and the said quantity of codeine comes under the purview of small quantity.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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, NDPS Act, Begusarai in connection with NDPS Case No. 17 of 2022 arising out of Teghra P.S. Case No. 52 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall cancel bail bond of the petitioner.

(Alok Kumar Pandey, J)

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