

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62408 of 2021

Arising Out of PS. Case No.-353 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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RAHUL KUMAR Son of Pramod Sah Resident of Village- Champa Nagar,
Police Station- Champa Nagar (K. Nagar), District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Sri. N.K. Agrawal, Sr. Adv.
Dr. Bidhu Ranjan, Adv.
For the Opposite Party/s : Mr.Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with K. Nagar (Champa Nagar) P.S. Case no. 353 of 2021
instituted for the offence under Sections 275 and 276 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, Section 21(c) of the Narcotic Drugs and
Psychotropic Substance Act.

Prosecution case relates to recovery of 1080 bottles
each containing 100 ml. of codeine cough syrup, Codeine
Phosphate and Tripolidine Hydro Chloride Syrup, which was
kept in ten cartoons, from the bathroom of the house of the



petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The recovered product from the petitioner is cough syrup and nor any narcotic drug and the same is being sold openly in the market and is also available in market by online. Petitioner has no concern with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the co-accused, namely, Vikash Kishore Singh who was arrested on spot. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with K. Nagar (Champa Nagar) P.S. Case no. 353 of 2021, he will be enlarged 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 Special Judge,
Narcotic Drugs and Psychotropic Substance Act, Purnia subject
to the conditions as laid down under section 438(2) of the
Cr.P.C.

(Sunil Kumar Panwar, J)

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