

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38956 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- DHAMDAHA District- Purnia

SHAILENDRA MEHTA S/O KISHUN MEHTA Resident of Village-
Koriyani Tola, P.S.- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Dhamdaha P.S. Case No. 216 of 2021 registered for the alleged offences under Sections 21(b), 21(c) NDPS Act and 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information that petitioner has stored codeine containing cough syrup in his house. A raid was conducted on his house and 185 bottles of 100 ml each of cough syrup were recovered. The petitioner fled away from the spot on seeing the police vehicle.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence has alleged ever taken place. The recovery of cough syrup has not made from the house of the petitioner. It has been made from outside the house of the petitioner and no evidence has been collected that the place of occurrence belongs to this petitioner. There is violation of Section 42 and other provisions of NDPS Act in this case.

Learned counsel further submits that moreover, codeine containing cough syrup is not notified article under provisions of NDPS Act. The petitioner is in custody since 19.04.2022 and charge sheet has been submitted in this case. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and considering the nature of recovery and clean antecedent of the petitioner along with submission of charge sheet and his period of 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 Special Judge, NDPS Act, Purnea in



connection with Dhamdaha P.S. Case No. 216 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 a close relative of the petitioner.
- (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)

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