

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41754 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- BALIYA District- Begusarai

Sunil Kumar S/O Nageshwer Sah Resident Of Choti Balia Tola, Ward No. 8,
P.S.- Balia, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Ballia
P.S. Case No. 143 of 2022 registered for the offences punishable
under Sections 8, 20, 21, 22 and 25 of Narcotic Drugs &
Psychotropic Substance Act.

As per the prosecution, the informant along with other
police personnel acting upon a secret information apprehended
this petitioner with other co-accused Aatik Iqbal and upon
making search from the possession of this petitioner seven
bottles of Relax cough syrup each of 100 ml, a cash of
Rs.1180/-, a mobile phone and a motorcycle were recovered and



from the possession of the co-accused two bottles of Relax cough syrup each of 100 ml, a cash of Rs.13700/- and a mobile phone were recovered.

The main submissions advanced by the learned counsel Mr. Chandan Kumar Kashyap appearing for the petitioner are that as per the prosecution the petitioner was apprehended with seven small bottles each containing 100 ml Relax cough syrup but in the FIR as well as seizure report it is not mentioned that what kind of prohibited narcotic material was found in the seized cough syrup and the quantity of the narcotic material allegedly mixed in the cough syrup was also not mentioned in the FIR and seizure list and merely on suspicion as to cough syrup having narcotic material FIR was lodged by the police and on that basis the petitioner was apprehended. Further submission is that the petitioner has been languishing in jail since 30.05.2022. and one co-accused carrying similar nature of allegation has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.38799 of 2022.

Learned APP Mr. Ramchandra Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the



seizure list attached to the FIR. As per the prosecution, seven small bottles each of them containing 100 ml cough syrup were recovered along with Rs.1180/- from the possession of the petitioner. The prosecution has failed to bring into knowledge of this Court about what kind of prohibited narcotic material has been found to be mixed in the alleged recovered cough syrup, while on the other hand the petitioner has taken the plea that the seized bottles contained simple cough syrup, the petitioner has clean antecedent as per the statement made in his petition and has been languishing in jail since 30.05.2022 and a similarly situated co-accused person is on bail granted by co-ordinate Bench of this Court. Considering these facts as well as petitioner's custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Ballia P.S. Case No. 143 of 2022.

(Shailendra Singh, J.)

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