

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46109 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- DARBHANGA District- Darbhanga

Sudhanshu Ranjan Son Of Krishna Singh R/O Village- Bhagwan Das Ward
No.-20, P.S.- Town, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kedar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 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 PTN (G.O. NDPS Case No.390 of 2022) arising out of Town Police Station, Darbhanga P.S. Case No. 154 of 2022 registered for the offence punishable under Section 22(b) of the NDPS Act.

As per the prosecution, the informant along with other police personnel acting upon a secret information raided the alleged place and apprehended this petitioner and recovered a huge quantity of narcotic antagonists from the alleged house.

The main submissions advanced by the learned



counsel Mr. Mukesh Kumar Singh appearing for the petitioner are that the petitioner has fair and clean antecedent, as per the allegation of the prosecution a huge quantity of the medicines containing narcotic drugs was alleged to have been recovered from the house of this petitioner but the said medicines are easily available in the market and for the alleged wrong offences under Drugs and Cosmetic Act may attract but any offence under NDPS Act does not attract in this case and moreover if any prohibited narcotic material like *codin* is presumed to be mixed in the seized medicines even then the total weight of such narcotic material does not fall in commercial quantity if a general method to calculate the same is adopted and moreover the petitioner has been languishing in jail since 17.06.2022 and against him the investigation has been completed.

Learned APP Mr. Kedar Jha appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The instant case relates to recovery of allopathic medicines which were suspected to have intoxicant materials but in FIR there is no details of prohibited narcotic material and these medicines were simply suspected to have intoxicant materials but in this regard the FIR is completely vague and it also does not appear



that any attempt was made by the Police Officer concerned who seized the said medicines to get an opinion from the experts of Drugs and Cosmetic Department. Considering these facts as well as above submissions and petitioner's custody period and also the fact that against him the investigation has been completed and witnesses before whom search and seizure was made are police personnel, 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 PTN (G.O. NDPS Case No.390 of 2022) arising out of Town Police Station, Darbhanga P.S. Case No. 154 of 2022.

(Shailendra Singh, J.)

murli/-

U		T	
---	--	---	--

