

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49785 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- MURLIGANJ District- Madhepura

Subodh Kumar S/o Umesh Das @ Umesh Kumar Resident of Village-
Sahugardh, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
NDPS Case No.11 of 2022 arising out of Murliganj P.S. Case
No. 158 of 2022 lodged under Sections 21(c) of NDPS Act. read
with Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of 900
bottle containing 100 ml in each cough syrup, total 98 litre has
alleged to be made in the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that the recovered material is basically not a wine rather a

medicine containing codeine which is an NDPS material but it is in between small and commercial quantity because 1000ml contains 0.1 gram and it is 98 litre meaning thereby about 98 gram of codeine is there. Learned counsel submits that in the present case, NDPS has not been attracted but police has filed this case under Excise Act. He submits that petitioner is in custody since 04.04.2022. There are 3 criminal cases pending against the petitioner in which he is on bail in all three cases.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd, Madhepura in connection with NDPS Case No.11 of 2022 arising out of Murliganj P.S. Case No. 158 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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