

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52771 of 2022

Arising Out of PS. Case No.-77 Year-2020 Thana- JALALGARH District- Purnia

Md. Saddam S/o Md. Ekram R/o village- Dimiya, P.S.- Jalalgarh, District-
Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. V. Agrawal, Advocate
	:	Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jalalgarh
P.S. Case No. 77 of 2020 registered for the offence under
Sections 272, 273 of the I.P.C. and 30(a) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of cough syrup, where, there
was recovery of 6.5 litres of codine mix cough syrup.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of disclosure made by co-accused namely, Vikash Kumar and Chandan Kumar, who were apprehended on spot and as such admittedly, no recovery of cough syrup was made from conscious physical possession of this petitioner. It is further submitted that co-accused namely, Md. Manjar has already been granted anticipatory bail through Criminal Miscellaneous No. 52755 of 2022 dated 14.10.2022 by one of the learned co-ordinate bench of this Court. It is also pointed out that if composition/quantity of '*codeine*' be taken into consideration, will not be more than commercial quantity as prescribed under the N.D.P.S. Act and as such application of Section 37 of N.D.P.S. Act is not applicable in this case. While concluding the argument, it has been submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged cough syrup including codine admittedly not recovered from conscious physical possession of this petitioner



coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jalalgarh P.S. Case No. 77 of 2020 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, N.D.P.S. Act, Purnia/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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