

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56804 of 2022

Arising Out of PS. Case No.-391 Year-2022 Thana- RAXAUL District- East Champaran

Mahesh Prasad Son of Raghuvir Prasad Resident of Ashram Road, Raxaul,
P.S.- Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 24-12-2022 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.

The petitioner seeks regular bail in connection with
N.D.P.S. P.S. Case No. 67 of 2022 arising out of Raxaul P.S.
case No. 391 of 2022 lodged under Sections 21(b) of the
N.D.P.S. Act.

As per the prosecution case, total 20 bottles, of
capacity of 100 ml each, branded cough syrup Codine phosphate
etc. were alleged to be present. Due to which the N.D.P.S. Act
has been imposed in this case.

Learned counsel for the petitioner submits that the 4
bottles are half full and the total volume may be maximum 1900

ml. upon calculation it can be maximum up to 3.9 gm of the Codine Phosphate may be present. Learned counsel for the petitioner submits that petitioner is in custody 10.08.2022 having 2 criminal cases pending against him, both are related to N.D.P.S. and he is on bail in both the cases.

Learned counsel for the State vehemently opposes the prayer for bail and submits that it is true that the recovered quantity is less than the small quantity but it is also true that he is repeatedly committing the offence under N.D.P.S. Act.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, the application is hereby **rejected**.

Trial Court is directed to release the petitioner on bail, imposing its own conditions so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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