

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70077 of 2021

Arising Out of PS. Case No.-572 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SUNNY SINGH Son of Kavi Singh @ Kavinandan Singh Resident of
Mohalla- Surkhikal, Near Medical Quarter, P.S.- Barari, District- Bhagalpur.
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr. N.K. Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-05-2022 Heard both sides.

Petitioner seeks regular bail in connection with
N.D.P.S. Case No. 61 of 2021 {arising out of Kotwali (Barari)
PS Case No. 572 of 2021} registered for the offence under
Sections 27 (b)(ii) / 28 of the Drugs and Cosmetics Act, 1940
and Section 22 (b) of the Narcotic Drugs and Psychotropic
Substance Act 1985.

419 bottles of cough syrup of 100 ml each containing
codeine has been recovered from a shanty (hutment) situated
behind the Medical Quarters, Surkhikal. The petitioner is said
to have kept the same for the purpose of sale.

Learned counsel for the petitioner submits that
petitioner has not committed any offence in the manner alleged
and cough syrup containing codeine has not been recovered



from the conscious possession of the petitioner or the premises belonging to him. Learned counsel next submits every 100 ml bottle contains 10 mg of codeine and after calculating the quantity of codeine in 419 bottles it comes to around 4 gm of codeine, which is below small quantity under the NDPS Act. The petitioner has got no criminal antecedent of similar nature of offence and he is in custody since 29/10/2021.

Regard being had to the submissions made by the parties, taking into consideration the material available on record, the fact that quantity of codeine recovered from cough syrups is less than small quantity, petitioner is in custody 29-10-2021 and charge sheet has already been submitted, and as such, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur in connection with N.D.P.S. Case No. 61 of 2021 {arising out of Kotwali (Barari) PS Case No. 572 of 2021}.

(Anil Kumar Sinha, J)

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