

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13029 of 2023

Arising Out of PS. Case No.-338 Year-2022 Thana- RAMGARH District- Kaimur (Bhabua)

Dilip Kumar Son Of Prakash Chandra @ Prakash Chandra Agrahari R/V-
Chowk Bazar Aharaura Ps- Ahraura Dist- Mirzapur U.P

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, N.D.P.S. Govt. of India

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth
For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 31-07-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Sections 414 of the Indian Penal Code, Sections 30(a) (41(1) of the Bihar Prohibition & Excise (Amendment) Act, 2022 and Sections 8(c),21(c), 22, 29 of the N.D.P.S. Act.

There is recovery of 150 boxes of Eskuf cough syrup each containing 160 pieces and in each piece 100 ML and total amounting to 24 grams of codeine were



found.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is owner of the pick-up vehicle from which the cough syrups were seized. The said pick-up vehicle is a commercial vehicle and it was hired on rent. The petitioner has no concern with the recovery of seized cough syrup. Moreover, quantity of codeine does not come within the purview of commercial quantity. The petitioner is languishing in custody since 24.09.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail **after framing of charge, if the charges have not been framed**, on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties



of the like amount each to the satisfaction of learned
Additional District & Sessions Judge-I-cum-Special
Judge, Kaimur at Bhabua in connection with Ramgarh
P.S. Case No. 338 of 2022/I.A. No. 01/2023 NDPS REG
No. 39/2022.

(Sunil Kumar Panwar, J)

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