

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15223 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- SAHEBPUR KAMAL District- Begusarai

MUKESH MAHTO, Male, aged about 26 years, S/O Shiv Mahto, R/O
Village- Naradpur ward No- 4, P.S- Beldour, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party : Mrs. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 01 of 2023, arising out of S. Kamal P.S.
Case No. 03 of 2023 registered for the offence under
Sections 20, 21 and 22 of the N.D.P.S. Act.

The prosecution case, in brief, is that on
03.01.2023, the police apprehended Mukesh Mahto
(petitioner) and co-accused Madhav Ram and on search,
215 pieces of Codeine Phosphate and Chlorpheniramine
Maleate Syrup containing 100 ML of each alongwith 150



Gram Ganja was recovered from their possession.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 04.01.2023. He has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. There is no chance of trial being concluded in near future. As per prosecution, 215 pieces of Codeine Phosphate and Chlorpheniramine Maleate Syrup containing 100 ML of each alongwith 150 Gram Ganja is said to have been recovered from the petitioner and other co-accused. The said Ganja is below the commercial quantity. Section 37 of the N.D.P.S. Act is not applicable in the present Case. Cough Syrup does not come within the purview of N.D.P.S. Act. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of learned Sessions Judge,
Begusarai, in connection with N.D.P.S. Case No. 01 of
2023, arising out of S. Kamal P.S. Case No. 03 of 2023.

(Sudhir Singh, J)

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