

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16302 of 2023**

Arising Out of PS. Case No.-60 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NITIN KUMAR @ BHOLU S/O NAVIN MANDAL RESIDENT OF
DURGA ASTHAN, P.S- TILKAMANJHI, DISTT.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 18(c) and 27 of the
Drugs and Cosmetic Act and Section 22 of the N.D.P.S. Act.

As per prosecution case, on secret information
received, police party started checking and upon search there
has been recovery of 28 bottles of contraband cough syrup from
a bag, which was kept on handle of the petitioner's motorcycle.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. He submitted that the petitioner has no
concern with the seized syrup. He submitted that the bottle of



cough syrup is usually of 100ml, in which there is 10mg of codeine in each bottle, therefore, the said recovery of bottles were 28 in numbers, so that the total weight of codeine would be 280mg, which does not come within the purview of commercial quantity as per N.D.P.S. Act. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 16.01.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Bhagalpur in connection with Bhagalpur Kotwali (Barari) P.S. Case No. 60 of 2023.

(Sunil Kumar Panwar, J)

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