

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19823 of 2023

Arising Out of PS. Case No.-241 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

Shivnath Ray Son Of Vasudev Ray R/O Village- Bakarpur, Sarmaspur, Ward
No.13, P.S.- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Excise
P.S. Case No. 241 of 2022 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.12.2022.

The allegation against the petitioner is to have in
possession of 499 litres of cough syrup, where one of the
composition is of narcotic substance i.e., “**codeine phosphate**”.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is a driver, where nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in possession of illicit cough syrup, which composition is “**codeine**” which is prohibited under N.D.P.S. Act, 1985. It is further submitted that even total quantity of **codeine** is less than commercial quantity, therefore, provision of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is a driver, where nothing surfaced during the course of investigation, which may suggest that petitioner was under knowledge to have in possession of alleged cough syrup, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 27.12.2022, accordingly, the above named petitioner is directed to be released on bail in connection with Excise P.S. Case No. 241 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-II, Khagaria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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