

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24622 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- TATARPUR District- Bhagalpur

Mukesh Kumar Son of Lilu Ram Resident of Village-Palari, Police Station-
Bhadra, District-Hanumangarh (Rajasthan)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal
	Mr. Syed M. Ashraf
	Mr. Kumar Rajdeep
For the Opposite Party/s :	Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 31-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 188 of the Indian Penal Code and Sections 8,18, 20, 22(c) and 23 of the N.D.P.S. Act.

Prosecution case in brief is that that on 18.01.2023 the police party conducted raid at the house of Khagesh Jha and recovered 420 liters of Codeine Phosphate and Chlorphenamine maleate Cough Syrup and two accused persons were apprehended. At their instance, raid were conducted at various places. At TCI Freight Godown, a raid was also conducted in the presence of Branch Manager, Mukesh Kumar (petitioner) and recovered 24050 bottle codeine rich cough syrup, 39600



Nitrazepam tablets, 35200 Tepantodal tablets and 88400 Eudol and Taymol tablets. Further, at Agrawal Carrier, 600 liters cough syrup was recovered. The accused persons disclosed that the alleged recovered medicines procured from Uttar Pradesh through M/s Baba Enterprises and M/s Garv Enterprises and same is meant for supply at Bhagalpur.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. Nothing incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted in para 6,7 and 8 of the petition that the petitioner is an employee of TCI Freight Transport working as an Assistant and he had no knowledge about the alleged recovered article kept in bag. The work of TCI Freight is only to transport the booked items from consigner to consignee as per bill and invoice. The goods were stored in the godown and consignee is supposed to collect the goods from the godown of TCI Freight. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated other accused persons namely Raj Kumar Singh and Kumar Gaurav have already been enlarged on bail by this Court vide order dated 25.07.2023 and 26.07.2023



passed in Cr. Misc. No. 20618 of 2023 and 25489 of 2023 respectively. Moreover, the petitioner is languishing in judicial custody since 20.01.2023.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Tatarpur P.S. Case No.26 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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