

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20618 of 2023

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

Raj Kumar Singh S/O Late Sambhu Singh Resident of Village- Tutwadi,
Ganga Mahal, P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Jain
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

6 25-07-2023 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 Section 8,18, 20, 22(c) and 23 of the N.D.P.S. Act.

Prosecution case relates to recovery of 420 liters of Codeine Phosphate and Chlorphenamine maleate Cough Syrup from the house of Khagesh Jha and two accused persons were apprehended. At their instance, raid were conducted at various places. At Agrawal Carrier, 600 liters cough syrup was recovered and one person Raj Kumar Singh was arrested who disclosed that the recovered goods belong to Garv Enterprises registered in the name of this petitioner.

It is submitted by learned counsel for the petitioner



that the petitioner is innocent and he has falsely been implicated in the present case. The seized cough syrup does not belong to the petitioner rather the same belongs to co-accused Gaurav Keshan. The alleged recovery of codeine does not come within the purview of commercial quantity as per the NDPS Act. Petitioner is dealing in business of transporting since last ten years and on the alleged date of occurrence, he booked the goods for Bhagalpur without knowing the fact that cartoons contains prohibited cough syrups. It is further submitted that petitioner is suffering from cancer and due to lack of proper treatment his condition is becoming serious. Similarly situated other accused person has already been enlarged on bail by this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 25489 of 2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. 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 Sessions Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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