

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21892 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- ANDHRAMATH District- Madhubani

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AJEET KUMAR S/O SRI VIJAY KUMAR @ VIJAY KR. SAH R/O Village-
Gadhiya, Post- Bharphori, P.S- Andhramath, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr.Mrityunjaya Kr.Gautam

For the Opposite Party/s : Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 23-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act and sections 21/27 of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of total 271 bottles (100 ml each) of cough syrup along with a motorcycle and the petitioner is said to be apprehended on spot by S.S.B officials.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is owner of the seized motorcycle but he has no concern with the alleged



recovery of cough syrup. As per supplementary affidavit, it appears that total 56.85 gram codeine phosphate was found in 271 bottles of 100ml, which is much less than commercial quantity. It is further submitted the provision of N.D.PS. Act has not been followed by the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. It is further submitted that the petitioner is languishing in judicial custody since 1.3.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Andhramath P.S. Case No. 28 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani.

(Sunil Kumar Panwar, J)

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