

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22979 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- SABAUR District- Bhagalpur

MANOHAR KUMAR SON OF LATE SHIV NARAYAN MANDAL R/O
VILLAGE- CHHOTI IBRAHIMPUR, P.S.- SABOUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 22 of N.D.P.S. Act and Section 18(A), 18(B), 18(C), 27(B)(ii), 28, 28(D) of Drugs and Cosmetics Act, 1940.

3. The prosecution case, in brief, is that on 28.01.2023, informant got secret information that two persons carrying prohibited cough syrup are leading towards Choti Dhankar by motorcycle. Informant along with police reached at Gramin Sadak situated at Dhankar More and saw that two persons along with a green colour bag were riding on motorcycle. Seeing the police, petitioner was succeeded in fleeing away from there,



whereas the driver of motorcycle was apprehended. On being asked, the driver of motorcycle disclosed the name of this petitioner as escaped person. On search, total 239 bottles, containing 100 ml prohibited syrup each, have been recovered.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. His name has been transpired in the present case merely on the basis of confessional statement of apprehended co-accused. Nothing has been recovered from the possession of the petitioner. There is nothing to show the complicity of the petitioner in the present case. He has no concern with the recovered cough syrup. Similarly situated co-accused has been enlarged on regular bail by a co-ordinate bench of this court. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail and submitted that petitioner was involved in selling of Narcotic substance.

6. Considering the facts and circumstances of case, I am



not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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