

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25489 of 2023

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

KUMAR GAURAV Son of Late Krishna Gopal Sharma Residence of village
- Laheri Tola, Gobi Bari, P.S.- Tatarpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pratak Mishra, Adv.
		Mr. Rahul Kumar, Binod Kumar Ojha
For the Opposite Party/s	:	Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 188 of the Indian Penal Code and sections 08, 18, 20, 22(c), 23 of the NDPS Act.

3. 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.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. He has no concern with the alleged recovery. The seized articles belongs to other accused persons, who managed to escape. Nothing has been recovered from his conscious possession. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 5.7.2023 passed in Cr. Misc. No. 30815 of 2023. He is languishing in judicial custody since 20.01.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above



named petitioner is directed to be enlarged on bail on
furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only)
with two sureties of the li
ke amount each to the satisfaction of the learned Sessions
Judge, Bhagalpur in connection with Tatarpur PS Case No.
26 of 2023.

(Sunil Kumar Panwar, J)

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