

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27675 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- BARGAINIA District- Sitamarhi

Vikash Yadav @ Bikash Yadav S/O Bhola Rai Yadav Resident Of Village-
Dostiya Ward No.- 9, P.S.- Narayani, District- Rautahat (Nepal).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-06-2023 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bairgania P.S. Case No. 38 of 2023 registered on 10.02.2023
lodged under Sections 21(a) of the NDPS Act, 1985.

As per the prosecution case, the recovery of certain
medicines were made from the possession of the petitioner. The
specific allegation in the F.I.R. is that on the memo certain
tablets, cough syrups and injections have been recovered from
the possession of the petitioner. From the seizure memo, it
transpires that 5 pieces Codiwell syrup (100 ml each), 120
pieces Nitrazepam tablets, 20 pieces Buprenorphine injection (2

ml each), 20 pieces Phenergan injection (2 ml each) were recovered from petitioner's possession, which are NDPS material.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 12.02.2023 having clean antecedent. Counsel for the petitioner has specifically pleaded that the statement of the Drug Inspector made in paragraph 22 that sample of the seized medicines mentioned in serial no. 2, 3, 4 and 5 could not be obtained, as they are little in quantity. So far as syrup is concerned, it is just five small bottles of Codiwell syrup (100 ml each), which said to be small in quantity, as mentioned.

Counsel further submits that a gross violation of Section 50 of the NDPS Act and Section 100 of the Code of Criminal Procedure has taken place in the present case.

Learned counsel for the State opposes the prayer for bail and submits that different quantity of NDPS material has been recovered but he agrees that it was in very small quantity, due to which Drug Inspector has mentioned that sample can not be taken of forth material. Counsel further submits that the petitioner is a Nepali citizen, therefore, due precautions may be

taken at the time of granting bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Bairgania P.S. Case No. 38 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with a condition that one of the bailors shall be an Indian citizen, who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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