

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28129 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- MURLIGANJ District- Madhepura

Dilkhush Kumar S/O- Laltun Das Village- Basantpur Ward No-16,
Shankarpur Dist- Madhepura.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Murliganj
P.S. Case No. 493 of 2022, N.D.P.S. No. 8 of 2023 registered for
the offence under Section 30(a) of Bihar Prohibition and Excise
Act, 2018 and Section 25(1-B)a, 26, 35 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.11.2022.

The allegation against the petitioner is to have in
possession of one country made pistol alongwith one live
cartridge and 2.400 litres of cough syrup, where one of the
composition is “Codeine” which is Narcotic Drugs prohibited



under N.D.P.S. Act, 1985.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery not appears to be made from the conscious physical possession of this petitioner. It is also submitted that seizure list appears doubtful which is not supported by independent witnesses rather by police personnel. It is also submitted that alleged narcotic composition of “Codeine” is appearing even less than smaller quantity and as such, the offence is bailable in nature. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as seizure list is not supported by independent witnesses, where composition of “Codeine” appears less than smaller quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.11.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Murliganj P.S. Case No. 493 of 2022, N.D.P.S. No. 8 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 learned Addl. Sessions Judge 5th Cum Special Judge (Excise Act 1st), Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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