

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30815 of 2023

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

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Pappu Sonar @ Amit Kumar @ Amit Sah @ Pappu Sah, Son of Ashok Sah @
Ashok Kumar Sah, Resident of Village- Jagannath Suri Lane, Mandroja, P.S.-
Tatarpur, Dist.- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Tatarpur P.S. Case No.26 of 2023 registered for the
offences punishable under Sections 188 of the Indian Penal
Code and Sections 8, 18, 20, 22(c) and 23 of the Narcotic Drugs
and Psychotropic Substances Act.

The accused/petitioner is named in the FIR and is
in custody since 20.01.2023.

Allegation against the petitioner is to involve in
illegal trade of prohibited cough syrup, where one of the
composition is of Codeine Phosphate which also covered under
NDPS Act,1985 as prohibited narcotic substances besides
several other medicines in the form of tablets, where total



recovery is of 2,055 liters.

It is submitted by learned counsel that the alleged recovery of prohibited cough syrup was made from the house of one Khagesh Jha, where as a matter of chance, petitioner was present out of personal acquaintance having otherwise no connection with alleged recovery. It is submitted that the alleged recovery is of cough syrup and tablets which appears prohibited and for the same the appropriate proceeding should be under the Drugs and Cosmetics Act, 1940 by way of an official complaint, which is mandatory provision. It appears that implication through FIR was raised only for the reason that one of the composition is Codeine. It is also submitted that even if the total quantity of codeine be taken into consideration, it would not be more than commercial quantity out of total recovered cough syrup. While concluding argument, it is submitted that the petitioner found involved in sixteen cases, where he has already acquitted in seven cases and in rest of nine cases, he is on bail and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer for grant of bail to the petitioner.



In view of above-mentioned facts and circumstances, as alleged cough syrup and tablets were recovered from the house of Kagesh Jha, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.01.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Tatarpur P.S. Case No.26 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not involve in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the



documents.

(iii) That one of the bailors shall be deponent
of the present bail petition.

(Chandra Shekhar Jha, J.)

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