

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31501 of 2023

Arising Out of PS. Case No.-130 Year-2023 Thana- KHAJANCHI HAT District- Purnia

MANOJ MANDAL SON OF SRI MONU MANDAL R/O-BELOURI, P.S.-
RANIPATRA, DISTT.-PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-07-2023 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 K. Hat
P.S. Case No. 130 of 2023 giving rise to Special (NDPS Act)
Case No. 28/2023 registered for the offence under Sections 275,
276 of the Indian Penal Code, Sections 30(a) Bihar Prohibition
Excise Act, Section 21(c) of the N.D.P.S. Act and Sections 27(I)
(II), 27(c) Drug and Cosmetic Act 1940.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.01.2023.

The allegation against the petitioner is to have in
possession of 19 litres of cough syrup, where one of the



composition is codeine, a narcotic substance prohibited under N.D.P.S. Act, 1985.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of cough syrup was made from the house of co-accused, namely, Awadhesh Poddar and as petitioner was sitting over there, he was also implicated with present case out of suspicion, without having any connecting evidence. It is submitted that similarly situated co-accused, namely, Rupesh Kumar Sah has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 28186 of 2023 vide order dated 15.05.2023. It is submitted that even total quantity of contraband i.e., codeine be taken into consideration out of 19 litres, quantity of codeine would not be more than smaller quantity and as such the offence alleged under N.D.P.S. Act appears bailable. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already 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, as alleged cough syrup not appears to be recovered from the house of this petitioner, coupled with the fact that charge-



sheet has already submitted, where petitioner is in custody since 31.01.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with K. Hat P.S. Case No. 130 of 2023 giving rise to Special (NDPS) Case No. 28/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S., Act Purnea/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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