

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33220 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- SINGHESHWAR District- Madhepura

Md. Manjoor Alam Son Of Late Md. Hasim Resident Of Village Jhitkiya,
Ward No 04 Ps- Singheshwaar, District -MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate
For the Opposite Party/s : Ms. Naveen Kumar Pandey, 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
Singheshwar P.S. Case No. 247 of 2022 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018 and under Section 21(c) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.10.2022.

The allegation against the petitioner is to have in
possession of 373 bottle of cough syrup each of 100ml, where
one of its composition is “**codeine**” which is a prohibited drugs
under N.D.P.S. Act, 1985.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of cough syrup appears to be made from the house of petitioner which was jointly occupied and, as such, it cannot be said that alleged recovery of cough syrup was made from the conscious physical possession of this petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. also not appears to be applicable in present case, regarding search of the premises. It is pointed out that if “**codeine**” will be taken into consideration out of recovered 37.3 litres of cough syrup, it would not be more than commercial quantity and, as such, rigorous implication of Section 37 of the N.D.P.S. Act not appears to be applicable in present case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been 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, as recovery of cough syrup appears to be made from the jointly occupied house, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since



30.10.2022, accordingly, above named petitioner is directed to be released on bail in connection with Singheshwar P.S. Case No. 247 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, 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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