

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34509 of 2023

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

=====

GOURAV KESAN S/O PRADEEP KESAN R/O Okhandiar Complex,
Kharmanchak, P.S- Jogsar, Distt.- Bhagalpur. Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs.Priya Gupta, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar. APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-07-2023 Heard Mr. S.D. Sanjay, learned Senior Counsel and

the State.

The petitioner is in custody since 20.1.2023 in connection with Tatarpur P.S. Case No. 26 of 2023 for the offence punishable under Sections 8/18/20(c)/23 of NDPS Act. lodged on 19.1.2023 by the informant Purnendu Kumar.

The prosecution story, in brief, is that:

(i) on 18. 01.2013, the informant along with police team conducted raid at the house of one Khagesh Jha at 4.00 PM wherein in a room two persons were apprehended disclosing their name as Pappu Mishra and Amit Sah @ Pappu Sonar and on search total 4200 bottles of 100 ml codeine rich cough syrup in 35 cartoons were found and seized. On demand, those two persons produced any paper relating to sell, purchase or storage of those articles and seizure list was prepared;

(ii) it is further alleged that at the instance of the said



accused Khagesh Jha, the informant reached at the house of the petitioner from where he seized some papers related to Baba Enterprises and M.S. Garv Enterprises and the informant reached at TCI Fright Godown a conducted raid in the presence of Branch Manager, Mukesh Kumar and on search total 24050 bottle codeine rich cough syrup 100 ml each, 39600 table nitrazepam 10 mg each, 35200 tablets of Tepantodal 100 mg each, 88400 tablets of Eudol and Tepantado 100 mg each has been recovered and seized from there;

(iii) it is further alleged that on query Mukesh Kumar disclosed that the petitioner used to bring aforesaid narcotics substance from Uttar Pradesh and after that all the accused persons including the petitioner used to supply all the alleged narcotic drugs in Bhagalpur;

(iv) it is further alleged that the petitioner, who has been arrested from FCI Godown, disclosed that he procures prohibited cough syrup from Uttar Pradesh through M/s Baba Enterprises and M/s Garv Enterprises and after that he supplies the same in Bhagalpur with the help o other accused persons.

(v) it is further alleged that at the instance of the petition the informant conducted raid that the godown of Agrav Carrier situated at Mundichak, from where a person namely Raj



Kumar Singh was arrested and on search total 6000 bottles of codeine rich cough syrup alongwith mobiles and builty of cough syrup was seized from there.

(vi) it is further alleged that the said Raj Kumar Singh disclosed that the aforesaid cough syrup belonged to M/s Gary Enterprises which license is in the name of Kumar Gaurav but the said enterprises was being operated by the petitioner;

(vii) on the basis of aforesaid self-statement Tatarpur P.S. Case No. 26 of 2023 / NDPS Case No. 09 of 2023 dated 19.01.2023 registered for the offences punishable under Sections 188 of the Indian Penal Code and Section 8, 18, 20, 22 (C), 23 of the Narcotics Drugs and Psychotrop Substance Act, 1985.

It has been contended by the learned Senior Counsel that after Pappu Mishra and Amit Sah @ Pappu Sonar was arrested and the alleged drugs cough syrup were recovered/seized, on his confession, the houses of the petitioner was raided and the invoices seized.

It has been contended by learned Senior Counsel that he is an Accountant of M/s Baba Enterprises and M.S. Garv Enterprises and M/s Munni Medical, the drug stockist of Begusarai dealing with their billing, maintenance of account as



also deposition of taxes and GST to the government exchequer and as such the presence of invoices in houses was not uncommon.

The last submission is that the said Pappu Mishra and Amit Sah @ Pappu Sonar on whose confession, he has been implicated, has since been released on bail on 5.7.2023 by a coordinate bench of this Court in Cr. Misc. No. 30815 of 2023.

Mr. J.K. Singh, learned APP opposes the prayer stating that invoices of alleged codeine syrup has been recovered from his house.

Taking into account aforesaid submission put forward by the learned Senior Counsel as also the fact that the main accused Pappu Sonar has since been released on bail, as stated above, he is in custody since 20.1.2023 (para-1 of the petition) and do not have criminal antecedent, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 50,000/- (Fifty thousand) with two sureties of like amount each to the satisfaction of learned District & Sessions Judge, Bhagalpur or the concerned Special Judge, NDPS Act, Bhagalpur, in connection with Tatarpur P.S. Case No. 26 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

