

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36482 of 2023

Arising Out of PS. Case No.-422 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Nawal Yadav @ Nevalal Yadav Son Of Late Chunchun Yadav R/O Vill.-
Bhitthi, P.O.- Pararia, P.S.- Shambhugunj, Dist.- Banka, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2023 Let the defect(s), if any, be removed within two
weeks from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Sultangunj P.S. Case No. 422 of 2022 registered on 08.11.2022
lodged under Sections 20/22 of the N.D.P.S. Act and
18(A)/18(B)/18(C)/27(B)/28(D)/28 of the Drugs & Cosmetics
Act, 1940.

4. As per the prosecution case, F.I.R. has been lodged
against the petitioner, who runs a tea shop and from his shop a
recovery of total 700 ml from seven Codeine Phosphate Cough
Syrup has been made.

5. Counsel for the petitioner submits that petitioner is

a poor person, and runs a shop, which is a public place and many persons used to come and go in his shop. Counsel submits that it might have happened that somebody came and left his medicine in the petitioner's shop. He further submits that the said recovery has been made in complete violation of Section 100 of the Code of Criminal Procedure and Section 56 of N.D.P.S. Act.

6. Counsel further submits that petitioner is innocent and he is an old aged person of about 60 years. He further submits that petitioner is in custody since 08.11.2022 having clean antecedent and the chargesheet has already been filed in this case. Counsel submits that recovery of total 700 ml from seven Codeine Phosphate Cough Syrup has been made and the total quantity of N.D.P.S. material is much less than the small quantity.

7. Learned counsel for the State opposes the prayer for bail.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-Ist, Bhagalpur in

connection with Sultangunj P.S. Case No. 422 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

9. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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