

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36653 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- AMARPUR District- Banka

Imran Ansari Son of Aslam Ansari @ Md. Aslam Ansari Resident of Quaz
Walichak, Ward no. 19, P.S. - Tatarpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-07-2023 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 Amarpur
P.S. Case No. 24 of 2023 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.01.2023.

The allegation against the petitioner is to have in
possession of 4 litres of cough syrup, where one of its
composition is **codeine** and 1200 tablets of **Nitrazapam**.

Learned counsel appearing on behalf of the petitioner
submitted that initially F.I.R. was lodged under Bihar



Prohibition and Excise Act, 2016, but charge-sheet submitted in this case under N.D.P.S. Act, 1985 for the reason that the alleged cough syrup found with **codeine** which falls under narcotic substances and prohibited under N.D.P.S. Act, 1985. It is submitted that even quantity of said **codeine** will be taken into consideration, it would not be more than smaller quantity and, as such, the offence, as alleged, appears bailable in nature. It is submitted that similarly situated co-accused, namely, Ashish Kumar Bhagat has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 34398 of 2023 vide order dated 25.05.2023. 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 and by taking note of the fact as similarly situated co-accused granted bail, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Amarpur P.S. Case No. 24



of 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 Additional District and Sessions Judge-II, Banka/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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