

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39846 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SULTANGANJ District- Bhagalpur

ABHISHEK KUMAR S/O- Jay Prakash Sah R/O Village- Abjuganj, P.S.-
Sultanganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupa Nand Jha, Adv.

For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-07-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 20 of 2023, dated 10.01.2023 registered
for the offences punishable under Sections 22 of NDPS Act and
Sections 18(A)/18(B), 18(c), 27 (B)ii, 28, 28(D) of Drugs &
Cosmetics Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 28
small bottles each containing 100 ml *Codeine Phosphate &*
Chlorpheniramine Maleate Syrup but the said material was not
recovered from the conscious possession of this petitioner rather
the same is alleged to have been recovered from one namely, Azad
Kumar Sah who was sitting in petitioner's vehicle in the rear seat



and the said co-accused has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 37877 of 2023 and the petitioner was simply driving the alleged vehicle as a driver and he had no knowledge about the seized contraband. Further submissions are that the petitioner has been languishing in jail since 11.01.2023 having fair and clean antecedent and against him, the investigation has been completed.

4. Learned APP appearing for the State opposes the prayer for bail.

5. Considering the above submissions and mainly petitioner's young age and also his custody period and the privilege of bail having been granted to above-mentioned co-accused person and the alleged contraband is stated to have been recovered from the conscious possession of the said co-accused, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sultanganj P.S. Case No. 20 of 2023.

(Shailendra Singh, J.)

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