

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 42863 of 2023

Arising Out of PS. Case No.-286 Year-2023 Thana- SONEPUR District- Saran

RAVI KUMAR @ RAVI KISHAN KUMAR Son of Arun Kumar Resident of
village - Pahlwan Nagar, P.S.- Sonepur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr Rajeev Nayan, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and the
learned APP.

2 The petitioner has preferred this application for grant of regular bail in connection with Sonepur (Hariharnath OP) PS Case No 286 of 2023 dated 22.04.2023 registered for the offence punishable under Sections 22, 27 of the NDPS Act.

3 As per the prosecution case, 6 ml Phenargan, 30 ml Avil and 72 ml without wrapper were recovered from the possession of the petitioner.

4 Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the said contraband does not come under the NDPS Act and placed reliance on the judgment of *Lijo Joy -Versus- State of Kerala* in *CRL A No 1520 of 2012* wherein it is held in Paragraph 30 that



“Phenargan is not a narcotic drug or psychotropic substance.”

Learned counsel has further placed reliance on the judgment of ***Rajveer Singh @ Raju -Versus- State of Punjab, CRM-M No 51661 of 2021*** wherein it is held that the said Avil does not come under the NDPS Act. The petitioner has got one more criminal case, as stated in paragraph 3 of the bail petition in which he is on bail. He is in custody in this case since 23.04.2023.

5 Learned APP has vehemently opposed the bail petition of the petitioner.

6 Considering the aforesaid facts and circumstances of the case, the period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge -cum- Special Judge, Saran at Chapra in Sonapur (Hariharnath OP) PS Case No 286 of 2023 dated 22.04.2023.

7 This application stands allowed.

(Chandra Prakash Singh, J)

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