

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44192 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- KANGLI District- West Champaran

MANDRIKA SAHANI Son of Late Ramayan Sahani Resident of - Dhore,
P.S.- Pokhariya, District - Parsa, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

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

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on secret information received, the police party started checking the vehicle and on search there has been recovery of 120 bottles each containing 100ml, Codeine Cough Syrup from a motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. Petitioner has apprehended on spot. He submitted that the petitioner has no concern either with the



seized motorcycle or with the Codeine like Cough Syrup. He submitted that 100ml of Codeine Cough Syrup contain 10mg Codeine Phosphate, therefore 12 liters contain 1200 mg i.e., 1.2 gm, which does not come within the purview of commercial quantity as per N.D.P.S. Act. He further submitted that petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.10.2022.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Kangli P.S. Case No. 78 of 2022.

(Sunil Kumar Panwar, J)

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