

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46623 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- TEGHRHA District- Begusarai

NIRAJ KUMAR Son of Pukar Rai @ Ram Pukar Ray @ Pukar Yadav
Resident of village- Paigambarpur, Ward NO. - 2, P.S.- Teghra, District-
Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

7 22-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with NDPS
Case No. 17 of 2022 arising out of Teghra P.S. Case No. 52 of
2022 registered for the offences punishable under Sections
30(a), 3(i)(ii) of the Bihar Prohibition and Excise Amendment
Act, 2016.

As per prosecution case, 18 bottles of Smilax
Company cough syrup each containing 100 ml alongwith 90
tablets of Alprazolam were recovered from the bag and
petitioner alongwith other was apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 26.02.2022. Petitioner bears one criminal antecedent which is not similar to the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law. He further submits that report of Bihar Drugs Control Laboratory, Government of Bihar shows that each 5ml syrup contains 9.94 mg codeine phosphate. He further submits that total 1800 ml cough syrup has been recovered in which total quantity of codeine comes under the purview of small quantity. Learned counsel further submits that co-accused Hariom Kumar has already been granted bail vide Cr. Misc. No. 37177 of 2022 by this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of both sides, co-accused has already been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Begusarai in connection with NDPS Case No. 17 of 2022 arising out of Teghra P.S. Case No. 52 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall cancel bail bond of the petitioner.

(Alok Kumar Pandey, J)

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