

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52781 of 2023

Arising Out of PS. Case No.-560 Year-2023 Thana- MADHEPURA District- Madhepura

1. DILKHUSH KUMAR SON OF RAMESH YADAV R/O-KAMALJARI, WARD NO. 11, P.S.-GAMHARIYA, DISTT.-MADHEPURA
2. RAJEEV KUMAR SON OF DILIP KUMAR YADAV R/O-MURHO, WARD NO. 09, P.S.-MADHEPURA, DISTT.-MADHEPURA (BHARRAHI O.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard the parties.

The petitioners are in custody in connection with Madhepura P.S. Case No. 560 of 2023 for the offence under sections 21(b)/22 of NDPS Act lodged on 03.06.2023 by the informant, Manoj Paswan.

As per the prosecution story, the Police intercepted a motorcycle, apprehended the petitioners and 100 pieces of cough syrup (each 100 ml) totaling 10 liters was recovered/seized. This followed the arrest and the petitioners are in custody since 04.06.2023 (as stated in paragraph 13 of the petition).

Learned counsel for the petitioners submit that the 10



liters cough syrup actually come to 40 gm 'codeine' which is below the commercial quantity. They have already suffered by being in custody since 04.06.2023 and do not have criminal antecedent.

Learned APP, on the other hand, submits that they have been arrested with the cough syrup though he concedes that the normal quantity is from 10 gm to 1 kg and as such the recovered/seized article is below the commercial quantity.

Taking into account the submissions put forward by the learned counsel for the petitioners as also that the petitioners do not have criminal antecedent and are in custody since 04.06.2023, this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII cum Special Judge (Excise)-II, Madhepura, in connection with Madhepura P.S. Case No. 560 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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