

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58699 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Kundan Kumar son of Ram Babu Mahto Village- Tara Bariyarpur Ps-
Khodawandpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420/120(B) of the Indian Penal Code read with Sections 8/18/20/22(C)/23 NDPS Act read with 18(C)/27(B) 1, 18(A)/ 28 Drugs and Cosmetics Act.

3. As per the prosecution, the FIR has been lodged against 4 named and one unknown accused persons. As per the F.I.R., total 600 cartoon *i.e.*, 96,000 sealed bottle filled up with cough syrup containing codeine phosphate has been the subject matter of the recovery which is a NDPS material.

4. Counsel for the petitioner submits that the petitioner is truck owner and he has not been arrested from the place of occurrence rather his name has figured in this case by virtue of disclosure made by the driver and *khalasi* of the truck

on which the recovery has made made.

5. Counsel further submits that antecedent of the petitioner is clean.

6. Learned APP for the State opposes the prayer for bail, but submits that the total 600 sealed pack cartoon is subject of recovery in which total 96,000 sealed bottle cough syrup containing codeine phosphate has been recovered.

7. In the present facts and circumstances, this Court is not inclined to extend the privilege of bail to the petitioner in connection with Dalsingh Sarai P.S. Case No.138 of 2023 to the satisfaction of learned Sessions Judge, Samastipur.

8. Accordingly, the prayer for bail of petitioner stands rejected.

9. However, liberty is granted to the petitioner that he may file regular bail application with a chart showing that what quantity of the codeine phosphate is present in the said recovery before the Trial Court. If it has been found that the said quantity is below the commercial limit, then in that case, the Trial Court is directed to consider the bail in accordance with law.

(Dr. Anshuman, J.)

prakashmani/-

U		T	
---	--	---	--