

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59353 of 2023

Arising Out of PS. Case No.-78 Year-2023 Thana- MURLIGANJ District- Madhepura

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Biren Kumar @ Birendra Yadav @ Biren Son Of Khokha Yadav @ Khakhad
Yadav Resident Of Village - Pastpar, Ward No.2 (Jaliya), P.S. - Sourbazar
(Patarghat O.P.), District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 30(a) of the Bihar
Prohibition and Excise Act and Section 21(b) of the NDPS Act.

Prosecution case relates to recovery of 33 litres of
Codeine Phosphate and Triprolidine Hydrochloride Cough Syrup
from a car which was being driven by the co-accused Sanjeev
Kumar and he was apprehended on spot while two other
accused persons managed to escape including the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. He has no concern



with the alleged recovery. The seized articles belongs to other accused persons, who managed to escape. Petitioner was not apprehended on spot. Nothing has been recovered from his conscious possession. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioner has got no criminal antecedent and languishing in judicial custody since 28.06.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, 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 Additional Sessions Judge 5th-cum-Special Judge Excise Act 1st, Madhepura in connection with Murliganj P.S. Case No. 78 of 2023.

(Sunil Kumar Panwar, J)

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