

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59575 of 2023

Arising Out of PS. Case No.-543 Year-2023 Thana- NATHNAGAR District- Bhagalpur

DEEPAK KUMAR HARI Son of Late Ratan Hari R/o vill - Katahal Bari, P.s.
- Barari, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar Singh

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 276/34 of the Indian Penal Code, sections 18(A), 18(B), 18(i), 27(B)(iii), 28(A), 36(A) of the Drugs & Cosmetic Act and sections 18, 20, 22 of the N.D.P.S. Act.

3. As per FIR, prosecution case relates to recovery of total 180 bottles containing codeine prohibited cough syrup from a motorcycle bearing Reg. No. BR10L9161 and the petitioner along with co-accused are alleged to have been apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner has no



concern with the alleged recovery of cough syrup or with co-accused person. The alleged recovery does not come under purview of commercial quantity. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 28.6.2023. Moreover, similarly situated co-accused Mithun Kumar has already been enlarged on bail granted by this court vide order dt. 21.9.2023 passed in Cr. Misc. No. 62419 of 2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Nathnagar (Lalmatiya) P.S. Case No. 543 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District Judge, Bhagalpur.

(Sunil Kumar Panwar, J)

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