

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62419 of 2023

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

Mithun Kumar Son Of Mahesh Yadav Resident Of Village- Bari Khanjarpur,
Ps- Barari, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-09-2023 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 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. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and languishing in judicial custody since 29.6.2023.

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 **after framing of charge, if charge is not framed** 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 Addl. Sessions Judge Judge-Ist, Bhagalpur.

(Sunil Kumar Panwar, J)

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