

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69542 of 2023

Arising Out of PS. Case No.-202 Year-2023 Thana- HARLAKHI District- Madhubani

Sandip Kumar Son Of Upendra Mahto Resident Of Village - Barhi, P.S. -
Jaynagar, District - Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Adv.
	:	Mr. Ravi Prakash, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Harlakhhi P.S. Case No. 202 of 2023 (G.R. No. 51 of 2023)
lodged under Sections 20/22 of the NDPS Act.

3. Learned counsel for the petitioner submits that
petitioner is a sole accused in the present case and from his
possession *Tarmadol* capsule as well as *Codeine phosphate*
syrup (i.e., total 26 bottles) have been recovered.

4. Counsel further submits that in one bottle of 100 ml
syrup contains only 20 miligram *Codeine phosphate*. As such in
26 bottles of 100 ml each shall contain approx 5.2 gm of
Codeine phosphate. He submits that in the schedule, the small



quantity is 10 gram, therefore, the recovery of codeine phosphate in the said bottle is below the small quantity.

5. Counsel further submits that so far as the *Termadol* capsule is concerned, it is 48 capsule in which the quantity of NDPS material is less than 5 gram which is also minimum/small quantity.

6. Counsel for the petitioner submits that petitioner is in custody is since 27.07.2023 having clean antecedent. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has not been framed till date.

7. Learned counsel for the State opposes the prayer for bail and submits that the quantity of *Codeine phosphate* is less than the small quantity, but about quantity of *Termadol* capsule, petitioner is not in a position to explain it.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned the Court of Sessions Judge, Madhubani, in connection with Harlakhi P.S. Case No. 202 of 2023 (G.R. No. 51 of 2023),



subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

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

(ii) the petitioner 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 his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

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

(Dr. Anshuman, J.)

Prakashmani/-

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

