

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67344 of 2022

Arising Out of PS. Case No.-309 Year-2022 Thana- KUMAR KHAND District- Madhepura

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AMLESH KUMAR S/O Birendra Yadav R/O Village- Tikuliya, Ward No-10,
P.S- Kumarkhand , District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under section 21(C) of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the informant got secret information that two persons are carrying codeine mixed cough-syrup from bolero vehicle bearing Registration No. BR-38A-7585. Thereafter, the police personnel reached at the place of occurrence and apprehended the petitioner along with co-accused person and also recovered 195 bottles, each containing 100 ML of codeine cough syrup.

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 codeine syrup rather he is passenger and taken lift from the vehicle in question. Nothing incriminating article has been recovered from conscious possession of the petitioner. Learned counsel for the petitioner further submits that similarly situated co-accused Abhimanyu Kumar has already been granted bail by a co-ordinate Bench of this court. It is further submitted that the petitioner is languishing in judicial custody since 5.9.2022.

Learned APP appearing for the state has opposed the prayer of regular 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 released on bail in connection with Kumarkhand P.S. Case No. 309 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge,-cum-Special Judge, N.D.P.S. Act, Madhepura.

(Sunil Kumar Panwar, J)

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