

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70675 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- KUMAR KHAND District- Madhepura

Nitish Kumar Son Of Surendra Prasad Yadav @ Surendra kumar yadav
Village- Rahta W.No-13, Ps- Kumarkhand Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kumarkhand P.S. Case No. 344 of 2023 lodged under Sections
21C of the N.D.P.S. Act. read with Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

3. As per the prosecution case, the F.I.R. has been
lodged against the present petitioner and it has been alleged that
total recovery of 15 piece of 100 ml syrup containing codeine
phosphate has been recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that in one bottle of codeine phosphate syrup i.e., in 100 ml,



only 4 mg of the codeine phosphate is present. As such in 15 bottle of syrup of 100 ml shall be only 0.6 gm codeine phosphate which is NDPS material has alleged to be present. He further submits that as per the schedule, the small quantity of codeine phosphate is 1 gm.

5. Counsel further submits that petitioner is in custody since 06.09.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V -cum- Special Judge Excise, Madhepura, in connection with Kumarkhand P.S. Case No. 344 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.)

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