

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74920 of 2023**

Arising Out of PS. Case No.-174 Year-2023 Thana- BASOPATTI District- Madhubani

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Nand Lal Sah @ Nandlal Sah Son Of Ishwar Sah Village- Gadha Ps- Deodha
Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-12-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 8, 21, 22 of the N.D.P.S Act.

There is recovery of 60 sachets of cough syrup

each containing 100 ml and 100 tablets of medicine

used for intoxicant from the shop of the petitioner.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely



been implicated in this case. From bare perusal of the F.I.R, it would be evident that place of occurrence was searched by the S.S.B and no any Gazette Officer was present at the time of searching which is clear violation of Section 50 of the N.D.P.S Act. Moreover, neither signature of the petitioner was taken on the seizure list nor copy of the same has been provided to him which is also a violation of Section 100 of the Cr.P.C. The petitioner is languishing in custody since 26.07.2023. Moreover, the seized material does not come within commercial quantity.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sessions Judge,



Madhubani in connection with Basopatti P.S. Case No.
174 of 2023.

(Sunil Kumar Panwar, J)

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