

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78228 of 2023

Arising Out of PS. Case No.-835 Year-2023 Thana- MADHEPURA District- Madhepura

MINTU KUMAR Son of Krishndeo Yadav R/o vill - Murho, ward no. 09, P.S.
- Madhepura (Barrahi O.P.), Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Rashmi, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Madhepura (Bharrahi O.P.) P.S. case No. 835 of 2023 instituted
for the offences under Sections 21(c), 22 of the N.D.P.S. Act and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution allegation, in short, is that total 340
bottles of cough syrup (each of 100 ml), equivalent to 34 litres
of cough syrup was recovered from the an open place.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 01.10.2023 and has no criminal
antecedent. The petitioner has falsely been implicated in the
present case. Nothing has been recovered from the conscious



possession of the petitioner rather the recovery has been made from an open place. Petitioner has no concern with the alleged recovery. Learned counsel further submitted that recovered contraband is less than 1gm which is much less than small quantity.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the fact that recovery was made from an open place and nothing recovered from the conscious possession or the house of the petitioner, as well as the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura (Bharrahi O.P.) P.S. case No. 835 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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