

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78060 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- ISHAKCHAK District- Bhagalpur

Akhilesh Das @ Akko Das S/O Shankar Das Village- Bhikhanpur Gumati No.
02, Ps. Ishakchak, Dist.Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate
For the State : Mr. Yogendra Kumar, APP

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

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Ishachak P.S. Case No. 183 of 2023, NDPS Case No. 110 of
2023, instituted for the offence under Sections 21(a), 22 of the
NDPS Act.

3. Three (3) litres of Dialex DC Codeine, containing
total 0.3 Gms of Codeine has been recovered, when the Police
intercepted a motorcycle, wherein two persons were riding. One
of them has fled away whereas the petitioner has allegedly been
apprehended.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 11-09-2023. Petitioner



bears one criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the recovered motorcycle. In fact, seizure list is not in accordance with law. Even as per the FIR, recovery of 0.3 Gms of Codeine comes within the ambit of small quantity. There is no compliance of Sections 42 and 50 of the NDPS Act.

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

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and quantum of recovery, this Court is inclined to grant bail to the petitioner.

8. 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 Ishakchak P.S. Case No. 183 of 2023, NDPS Case No. 110 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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