

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80337 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- SINGHESHWAR District- Madhepura

Pappu Kumar S/O Ashok Yadav Village- Lalpatti, Ward No. 02, Ps.
Singeshwar, Dist.Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

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

ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Singeshwar P.S. case
No. 213 of 2023 instituted for the offences under Section 21(C)
of N.D.P.S. Act and section 30(a) of Bihar Prohibition and
Excise Act, 2018.

3. Prosecution allegation, in short, is that on secret
information the informant along with other police personnel
reached near the grocery shop of co-accused and found one
motorcycle parked there and 15 bottles (1.5 ltr) of cough syrup
and 5 bottles of wine(900 ml.) were recovered from the handle
of the motorcycle.

4. It has been submitted on behalf of the petitioner that



the petitioner is in custody since 26.09.2023 and has one criminal antecedent in which he was granted bail by the Court below. The petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submits the petitioner was not apprehended at the spot. No recovery was made from the conscious possession of the petitioner. The said motorcycle was recovered near the shop of co-accused Md. Afroj in which 900 ml. liquor and 1.5 liters of cough syrup are recovered. Learned counsel submits that the recovered 1.5 gram codeine from the cough syrup comes under the small quantity. There is no compliance of Sections 42 and 50 of N.D.P.S. Act.

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 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 Singeshwar P.S. case No. 213 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)

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