

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16993 of 2024

Arising Out of PS. Case No.-492 Year-2023 Thana- JAYNAGAR District- Madhubani

Sanjay Purbey @ Sanjay Purwe son of Rameshwar Purbey @ Sri Rameshvar
Purbwe Village- Betaunah Ps- Jaynagar Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Jitendra Bharti, Advocate
For the State : Mr. Pramod Kumar Pandey, APP

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

ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Jaynagar PS Case No. 492 of 2023 instituted for the offences under Sections 341, 323, 324, 188, 353 & 34 of the Indian Penal Code and Sections 21(c) & 22(c) of the NDPS Act.

3. Prosecution case in short is that, there is recovery of 50 bottles of Codiwell syrup each containing 100mL, 50 bottles of Aprcores Cough Syrup each containing 100mL, 20 bottles of recharge Cough Syrup each containing 100mL, 240 tablets of Caripas, 110 Tablets of Nitrazepam and some sharp cutting weapons from the shop of the petitioner.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that total amount of codeine phosphate is 1.21 grams. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 14-12-2023, and has got one criminal antecedent. There is no compliance of Sections 42 and 50 of the 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, recovery below the commercial quantity 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 Jaynagar PS Case No. 492 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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