

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18853 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- MADHEPURA District- Madhepura

Rajaram Kumar Son Of Jail Sah @ Jailu Sah Resident Of Village- Patraha,
Ward No. 09, Ps- Ghailardh, Distt- 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. C. Jawahar, APP

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

ORAL ORDER

2 13-03-2024 Heard Mr. Sanjay Kumar Singh, learned counsel for
the petitioner and Mr. C. Jawahar, learned APP for the State.

2. The petitioner seeks bail in Madhepura (Ghailardh O.P) P.S. Case No. 49 of 2024, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and Section 21(c) of the N.D.P.S Act.

3. The prosecution case, in short, is that, 5.250 liters liquor and 18.400 litre cough syrup was recovered from the house of the petitioner and the petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that 1.84 gm of codeine phosphate has been recovered from the house. He further submitted that no incriminating material has been recovered



from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery. It is further submitted that the house of the petitioner is a joint house where other family members also reside. The recovered contraband is less than the commercial quantity, hence, Section 37 of the N.D.P.S Act is not applicable in this case. The petitioner is in custody since 22.01.2024 and has got one criminal antecedent in which the petitioner is on bail. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura (Ghailardh O.P) P.S. Case No. 49 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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