

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26473 of 2024

Arising Out of PS. Case No.-532 Year-2022 Thana- FORBESGANJ District- Araria

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Amar Kumar Son of Shivanand Mandal @ Shiv Narayan Mandal @ Shiv Narayan Resident of Village- Kharhat, Ward no.2, Police Station- Raniganj, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Special Case No. 13 of 2022 arising out of Forbesganj P.S. Case No. 532 of 2022 lodged on 20.05.2022 under Section 21(C) of the NDPS Act and under Section 379/414/420/34 of the Indian Penal Code.

3. As per the prosecution case, F.I.R. has been lodged against 11 named accused persons including the present petitioner against whom there is allegation of recovery of 1280 bottles each 100 ml containing 128 litre codeine rich cough syrup.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedent of the petitioner is not clean and there is one criminal cases pending against him in which he is on bail. The petitioner is in custody since 02.11.2022. He further submits that the recovery of codeine cough syrup is higher then smaller quantity but less then commercial quantity.

5. Learned APP for the State opposes the prayer for bail and submits antecedent of the petitioner is not clean and his antecedents shows that he is involved in N.D.P.S. cases.

7. Counsel for the petitioner submits that other accused persons have been granted bail vide order dated 07.04.2023 passed in Cr. Misc. No. 5170 of 2023, vide order dated 24.11.2022 passed in Cr. Misc. No. 43059 of 2022, vide order dated 09.12.2022 passed in Cr. Misc No. 50116 of 2022 and vide order dated 16.12.2022 passed in Cr. Misc. No. 46190 of 2022, vide order dated 03.02.2023 passed in Cr. Misc. No. 60471 of 2022.

8. Upon specific query made by that Court whether the charge has been framed or not, counsel for the petitioner submits that he is unknown to this fact that charge has framed or not.



7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted *bail after framing of charge, if the charge is not framed yet* and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Court of Learned Sessions Judge cum Special Judge, N.D.P.S. Act, Araria in connection with Special Case No. 13/2022 arising out of Forbesganj P.S. Case No. 532 of 2022 subject to the condition laid down under Section 437(3).

(Dr. Anshuman, J)

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