

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27285 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Md. Shahrukh S/O Md. Amir Miya @ Md. Amir R/O Village - Sabaila chowk
Dighra (Dhigora) ward no. 16 Arraha PS Ghelairadh (Ghelad) Distt. -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Budhilal Yadav, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-07-2024 Heard the parties.

2. The petitioner is an accused in connection with Ramkrishna Nagar P.S Case No. 48 of 2024 registered for the offences under sections 8, 21(B) and 22 of the N.D.P.S. Act lodged on 15.01.2024 by the informant, Prabhat Kumar Chaudhary.

3. As per the prosecution story, the informant alleged that upon information that the Codeine containing cough syrup is/are illegally supplied. When the police personnel went to the Bairiya Bus Stand and on intercepting some people while two managed to escape, the petitioner along with one Rupesh Kumar apprehended and there is/are recovery of 235 bottles Codeine Cough Syrup from the suitcases which was in their possession.



Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that the persons carrying briefcase escaped on the sight of the police and they have been implicated assigning the said briefcase to them. He submits that the petitioner has nothing to do with the said briefcase and in any case, the joint recovery of 235 bottles of Codeine Cough Syrup is below the commercial quantity as envisaged in N.D.P.S. Act. His last submission is that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that huge quantity of Cough Syrup has been recovered/seized.

6. Taking into account the submissions put forward by the parties as also the quantity of the recovery which is below the commercial one, he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousands only) with two sureties of like amount each to the satisfaction of the learned Sessions Judge/Special Judge (NDPS), Patna in connection with Ramkrishna Nagar P.S. Case No. 48 of 2024, subject to the following conditions:-



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Neha/-

U		T	
---	--	---	--

