

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37303 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- JAYNAGAR District- Madhubani

Anil Singh @ Deependra Kumar Singh S/o Kailu Singh R/o vill - Bateunha ,
ward no. 8, P.S - Jaynagar, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Jitendra Bharti, learned counsel for the
petitioner and Mr. Ram Sumiran Rai, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
29.01.2024, in connection with Jaynagar P.S. Case No. 326 of
2023, F.I.R. dated 02.08.2023 registered for the offences
punishable under Sections 21(C) of Narcotics Drugs and
Psychotropic Substance Act.

3. The case relates to recovery of 158 Codiwell Cough
syrup each containing 100 ml.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R. is false and fabricated and the petitioner has not
committed any offence as alleged in the F.I.R. and the recovery



has been made according to Rule prescribed under the NDPS Act. He further submits that Codiwell Cough syrup does not come under the purview of NDPS Act. Learned counsel for the petitioner further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.01.2024.

5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that altogether 158 bottles Codiwell Cough syrup have been recovered from the house of the petitioner but fairly submits that the FSL report suggests that:-

“Each 5 ml on average contains:

Chlorpheniramine Maleate – 3.93 mg i.e. 98.25%
of claim

Codeine Phosphate- 9.656 i.e. 96.56% of claim
Conforms the prescribed limit.”

6. Learned counsel for the State further submits that apart from the aforesaid the petitioner carries one more case other than the present one of similar nature.

7. Considering the aforesaid facts that the FSL report suggests that the drugs under the prescribed limit in the syrup and the police after investigation has already submitted chargesheet against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani in connection with Jaynagar P.S. Case No. 326 of 2023, G.R. No. 53 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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