

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38367 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- KISHANPUR District- Supaul

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Roushan Kumar @ Raushan Kumar Son of Upendra Yadav Resident of
Village- Gauravgarh, P.S.- Supaul, Distt. - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 05 of 2024, arising out of Kishanpur P.S.
Case No.17 of 2024, lodged on 12.01.2024, under Sections
8/21(b) of Narcotics Drugs and Psychotropic Substances
(N.D.P.S.) Act, 1985.

3. As per the prosecution, recovery of 12.5 litres of
Wiscof cough syrup, containing Codeine, has been subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 13.01.2024 having no criminal
antecedent. Counsel further submits that the total quantity of



Codeine recovered is 12.5 litres, which is equivalent to 10 gms, whereas the small quantity is 10 gms. Counsel submits that the petitioner has been made victim in this case. He has categorically mentioned that the petitioner was arrested with the motorcycle and he was not in possession of the pollution certificate, therefore, police has demanded money, upon refusal his name has been inserted in the present case.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-I-cum-Special Judge-N.D.P.S., Supaul, in connection with N.D.P.S. Case No. 05 of 2024, arising out of Kishanpur P.S. Case No.17 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bail bonds by the Trial Court itself;

(iii) The petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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