

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43069 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Manjeet Kumar SON OF JAGDISH SAH Resident of Village - Maniyamor,
PS- Naugachhia, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Adv.
		Mr. Rajneesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Naugachia P.S. Case No. 12 of 2024 lodged on 11.01.2024 for the offences punishable under Sections 21(c), 22(c) of the N.D.P.S. Act, 1985.

3. As per the prosecution case, FIR has been lodged against two named accused persons including the present petitioner with an allegation that during the course of search, total 79 bottles of cough syrup each containing 100 ml used to be sold in which the NDPS material Codeine Phosphate was present.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that there is a valid license for selling of the drugs is in favour of the petitioner. Counsel submits that the quantity of drugs alleged to be recovered is less than 100 bottles which is a permissible quantity according to the office order issued from the State Drug Control Office. Counsel further submits that total 79 bottles of cough syrup each containing 100 ml has been recovered which is less than the commercial quantity.

5. Learned counsel for the petitioner submits that it is true that the violation of guidelines made by the Drug Controller has been made, but the petitioner is not a stranger and criminal. The mistake done was not submitting return to the official is bonafide in nature and in future, such mistake shall not take place. Counsel further submits that the criminal antecedent of the petitioner is not clean and there is one criminal case pending against him in which he is on bail.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. As such, considering the aforesaid facts and



circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Naugachia P.S. Case No. 12 of 2024, subject to the conditions as laid down under Section 438(2) Cr.P.C. as well as undertaking given by the petitioner that he shall file the periodical return before the authority concerned about selling of such drugs periodically in the light of circular which is annexed as Annexure-P/3 of the bail application.

(Dr. Anshuman, J)

Divyansh/-

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

