

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48803 of 2024

Arising Out of PS. Case No.-180 Year-2023 Thana- GAMAHARIYA District- Madhepura

Ranjan Kumar @ Gaurav Kumar Son Of Birbal Yadav @ Birendra Yadav
Resident Of Village - Jogbani, Ward No. 14, P.S. - Gamharia, District -
Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Gamharia P.S. case No. 180 of 2023 registered under Sections 413, 414 of the Indian Penal Code, Section 21(c) of N.D.P.S. Act and Section 30(a) of Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that during search made by the police, 9 pieces of WISCOF cough syrup each containing 100 ml. Total 900 ml marked Golden Phosphate and Triprolidin Hydrochloride Syrup, one motorcycle and several mobile phones were recovered.

4. It has been submitted on behalf of the petitioner that



the petitioner has got two criminal antecedent in which he is on bail in one case. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case only on the basis of suspicion. No incriminating material has been recovered from the conscious possession of the petitioner. The recovery is made from the joint house of the petitioner where other family also reside. The recovered article was not sent for F.S.L. examination. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Co-accused has been granted regular bail by this Bench vide order dated 19.04.2024 passed in Cr. Misc. No. 28034 of 2024.

5. On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court



below/concerned Court in connection with Gamharia P.S. case
No. 180 of 2023, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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