

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53808 of 2024

Arising Out of PS. Case No.-226 Year-2024 Thana- Excise P.S. District- Begusarai

1. Pappu Kumar Son of Subali Singh @ Suvali Kumar R/O Village-Chhota Hasanpur, Ward No.13, P.S. Khushrupur, District-Patna
2. Ravikant Kumar Son of Dina Kumar R/O Village-Chhota Hasanpur, Ward No.13, P.S. Khushrupur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 23-10-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 226 of 2024 instituted for the offences under Sections 30(a), 32(3) and 30(F) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that total 224 litres of Codein Syrup from a pickup van.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case.



Nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged recovery. Learned counsel further submitted that petitioners have no concern with the vehicle from which the alleged recovery has been made. Learned counsel further submitted that recovered contraband is less than commercial quantity and hence, Section 37 of the NDPS Act is not applicable. It has been submitted on behalf of the petitioners that the petitioners are in custody since 14.06.2024 and have no criminal antecedent. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners and submitted that recovered contraband is less than commercial quantity.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Excise P.S. Case No.
226 of 2024.

Alok Verma/-
(Rudra Prakash Mishra, J)

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