

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65369 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- Excise P.S. District- Banka

Chandan Kumar Son of Late Subodh Sah Resident of Village- Amarpur, P.S.-
Amarpur, District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

2 19-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 21(c) and 25 of the N.D.P.S. Act, in connection with Excise P.S. Case No. 136 of 2024.

3. As per prosecution case, there has been recovery of total 142 liters of *Codeine* Cough Syrup from the godown of the petitioner.

4. The learned counsel for the petitioner has submitted that he has been falsely implicated in this case and has committed no offence. He submitted that petitioner happens to be wholesale dealer of medicine and on demand of retail shop, he used to deliver the Cough syrup. No incriminating article has



been recovered from the conscious possession of the petitioner. The provision of Sections 42 and 50 of the N.D.P.S. Act has not been followed in this case, while preparing the seizure list. Moreover, petitioner is a person of clean antecedent and he is in custody since 19.03.2024.

5. Learned APP for the State has opposed the prayer of bail.

6. Considering the above facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-5th-cum-Special Judge Exclusive Excise Court-2, Banka in connection with Excise P.S. Case No. 136 of 2024, subject to the condition that the petitioner shall co-operate in the disposal of trial and make himself available as and when required by the Court.

7. **The petitioner shall furnish his bail bond after completion of four months in custody from today.**

(Nawneet Kumar Pandey, J)

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