

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.723 of 2024

Arising Out of PS. Case No.-235 Year-2023 Thana- JOGBANI District- Araria

=====

JAY SINGH @ JAI SINGH SON OF LATE BUDDI SINGH R/O VILLAGE-
KHAJURBARI, P.S.- JOGBANI, DIST.- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

=====

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

ORAL ORDER

5 15-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Jogbani P.S. case No.
235 of 2023 instituted for the offences under Sections 30(a) of
the N.D.P.S. Act.

3. Prosecution allegation, in short, is that the 41 liters
of Eskuf cough syrup containing codeine has been recovered in
this case.

4. Vide order dated 20.04.2024, Mr. Chaubey Jawahar,
learned APP was directed to call for FSL report from the
Superintendent of Police, Araria. The same has been received
and kept in the file.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 11.09.2023 and has got two criminal antecedents. Charge-sheet has been submitted in this case. It is alleged that 410 bottles each containing 100 ml cough syrup has been recovered from the joint house of the petitioner where other family members also reside. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered cough syrup contains 3.958 gram of codeine phosphate and comes under the small quantity. Hence, Section 37 of the N.D.P.S. Act is also not applicable in the present case. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the report showing the recovered contraband under small quantity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jogbani P.S. case



No. 235 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Pankaj/-

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

