

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82874 of 2023

Arising Out of PS. Case No.-112 Year-2023 Thana- ISMAILPUR District- Bhagalpur

PAPPU YADAV S/O MAHENDRA YADAV R/M- JAGATPUR, P.S.-
PARBATA, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act and Section 21(c) of the N.D.P.S. Act.

3. As per prosecution case, there have been recovery of 1.5 liters of IMFL and 39 bottles (each contains 100ML) of *Codeine* like Cough Syrup from the petitioner's hotel.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to high handedness by the police officials. He has committed no offence. Petitioner is the owner of the as alleged hotel and he has no concern either with the seized wine or with the *Codeine*



like Cough Syrup. He further submitted that the prosecution case has not complied the provision of N.D.P.S. Act and no sampling has made as per Section 42 of the N.D.P.S. Act. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 22.09.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in connection with Ismailpur P.S. Case No. 112 of 2023.

(Sunil Kumar Panwar, J)

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