

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1041 of 2024**

Arising Out of PS. Case No.-663 Year-2023 Thana- SUPAUL District- Supaul

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Mahesh Kumar Choudhary @ Mahesh Kumar Son of Ramlakhan Choudhary
Resident of Village Chandiper Ward No 8 PS - Kishanpur Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav
For the Opposite Party/s : Mr.Pramod Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 23-01-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 21(b) of the N.D.P.S Act.

There is recovery of 37.5 litres of codeine

phosphate syrup from an auto-rickshaw. The petitioner is

alleged to be the driver of the said vehicle.

It is submitted by learned counsel for the

petitioner that petitioner is innocent and he has falsely



been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner was only the driver of the said vehicle and he was not aware about the cough syrup being carried out by a passenger. Moreover, the seized amount of syrup does not come within the purview of commercial quantity. The petitioner is languishing in custody since 19.08.2023. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S, Supaul in connection with N.D.P.S (Spl) Case No. 42 of 2023, arising out of



Supaul P.S. Case No. 663 of 2023.

(Sunil Kumar Panwar, J)

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