

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87515 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- BIRPUR District- Supaul

Rajkishor Bhidwar S/o- Late Vasudev Bhidwar R/o- Khontaha ward No 1 PS-
Birpur District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Birpur
P.S. Case No. 112 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018
and Section 21(c) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
62 bottles of Codeine Phosphate & Triprolidine Hydrochloride
Syrup (WISCODIN) having 100 ml in each bottle (total 6.2
liters of Syrup) from the possession of the petitioner.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that total 620 mg Codein has been recovered in this case which is much below the small quantity and, hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is also no compliance of Section 42 and 50 of the N.D.P.S. Act. There is a non-compliance of Section 100 of the Cr.P.C. (now 103 of the B.N.S.S.) which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 27.03.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Birpur P.S.
Case No. 112 of 2024.

(Rudra Prakash Mishra, J)

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