

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4157 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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MD. MASOOD ALAM SON OF RAMJAN ALI @ MD. RAMJAN ANSARI
RESIDENT OF VILLAGE- BHAGWANPUR, P.S.- JOKIHAT, DISTRICT-
PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Special (NDPS Act) P.R. Case No. 57 of 2021 registered for the

offences punishable under Sections 21(c)/25/29 of the N.D.P.S.

Act.

As per prosecution report, there is alleged recovery

of 240 litre Codeine Phosphate and Chlorpheniramine Maleate

Syrup from the Car in question and petitioner is one of the

persons who apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that cough syrup containing codeine is not narcotic drug and as such, N.D.P.S. Act is not attracted and relies on an order dated 25.11.2021 in Bail No. 13555 of 2021 (Ajay Bajpai vs. State of U.P.) passed by the Hon'ble Allahabad High Court and submits that codeine does not come under the purview of N.D.P.S. Act. He further submits that petitioner has no concern with the alleged seized car and syrup.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea in connection with Special (NDPS Act) P.R. Case No. 57 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

(iii) If the petitioner tampers with the evidence or
the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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