

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20248 of 2022**

Arising Out of PS. Case No.-79 Year-2022 Thana- MURLIGANJ District- Madhepura

Umesh Yadav, Son Of Late Aniruddha Yadav Resident Of Village Jitapur,
Ward No. 02, P.S. Murliganj, District - Madhepura.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amitabh Sohan

For the Opposite Party/s : Mr. Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 29-04-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in a case registered for the
offences punishable under Section 21(a) of the N.D.P.S. Act and
Section 30(a) of the Excise Act, 2018.

The learned counsel for the petitioner submits that the
petitioner is in custody since 19.02.2022, he is a person with
clean antecedent and charge-sheet has been submitted in this
case.

Allegation is of recovery of 17.5 litre of liquor of
codeine mixed cough-syrup from the house of the petitioner.

The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. The
house is a joint family property and as such, was not knowing,
who had kept the alleged codeine mixed syrup in the house.

The learned counsel further submits that syrup



containing codeine is not a 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 to submit that codeine does not come within the purview of N.D.P.S. Act. The learned counsel further submits that this Court also in Cr. Misc. No.45366 of 2021 was pleased to grant bail in a similar matter by order dated 05.01.2022.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Murliganj P. S. Case No.79 of 2022.

The application stands allowed.

(Satyavrat Verma, J)

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