

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38484 of 2021

Arising Out of PS. Case No.-262 Year-2021 Thana- ARARIA District- Araria

MD. JUBER @ MD. JUBAIR ALAM, S/O LATE MOHIUDDIN @
MEHRUDDIN, R/o village- Pipra Wizwar, P.S.- Palasi, District- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Vikram Deo Singh, Advocate Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s :	Mr.Arvind Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arvind Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Araria P.S. Case No. 262 of 2021 corresponding to Special Case No. 09 of 2021 registered for the offences punishable under Sections 21(C), 22 of the Narcotic Drugs and Psychotropic Substances Act (in short 'N.D.P.S. Act'). He is in custody since 23.03.2021. The petitioner has got five criminal antecedents and he is on bail in those cases.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information regarding arrival of



consignment of toxic drugs by the petitioner, the informant intercepted a four wheeler carrier vehicle and recovered 240 litres of Codeine syrup in 2400 bottles. It is alleged that the driver of the vehicle in question managed to escape.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 23.03.2021.

Learned counsel submits that the total quantity of alleged psychotropic substance i.e. Codeine in 240 litres of cough syrup allegedly recovered from the vehicle in question is only 2.4 gram which is less than commercial quantity i.e. 1 Kg. It is further submitted that the rigours of Section 37 of the N.D.P.S. Act would not be attracted in this case.

Mr. Arvind Kumar Pandey, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner but does not controvert that the psychotropic substance in recovered syrup is much less than the commercial quantity.

Having regard to the submission that the total quantity of psychotropic substance i.e. Codeine in 240 litres of cough syrup which has been allegedly recovered from the truck is only 2.4 gram which is less than commercial quantity i.e. 1 Kg. and the said submission not being controverted by learned A.P.P. for the State, upon noticing that in case of less than commercial quantity the



rigours of Section 37 of the N.D.P.S. Act would not be attracted, in connection with this case the petitioner has remained in custody since 23.03.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Araria P.S. Case No. 262 of 2021 corresponding to Special Case No. 09 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

