

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10369 of 2023

Arising Out of PS. Case No.-400 Year-2022 Thana- KASBA District- Purnia

Md. Rashid @ Rasid S/O Late Masleuddin R/V- Matkopa Jiyanganj, P.S.-
Kasba, District- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 275 and 276 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Section 21(c) of the NDPS Act.

Prosecution case relates to recovery of total 210 bottles each containing 100 ml codiene syrup from the bag of this petitioner while the police was patrolling in the evening and the petitioner was carrying the said substance by the motorcycle bearing Registration No. BR11AU-3064.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case merely on suspicion. The



petitioner has no concern with the alleged recovery and the Section 50 of the NDPS Act has not been followed by preparing the seizure list. It is further submitted that the said recovered substance does not come within the purview of commercial quantity as per NDPS Act. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. It is also submitted that he is languishing in judicial custody since 30.11.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kasba P.S. Case No. 400 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Purnea.

(Sunil Kumar Panwar, J)

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