

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35050 of 2023**

Arising Out of PS. Case No.-127 Year-2023 Thana- KASBA District- Purnia

SAHABUR ALAM @ SAHABUDDIN Son of Abu Said Resident of village-  
Gerua Ghat, P.S.-Kasba, District-Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                                |
|----------------------------|---|--------------------------------|
| For the Petitioner/s       | : | Mr. Rajeva Roy, Sr. Advocate   |
|                            | : | Mr. Akash Keshav, Advocate     |
|                            | : | Ms. Akanksha Malviya, Advocate |
| For the Opposite Party/s : | : | Mr. Sanjay Kumar Sharma, APP   |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      05-07-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Kasba  
P.S. Case No. 127 of 2023 registered for the offence under  
Sections 275/276/34 of the Indian Penal Code, Sections 30(a)  
Bihar Prohibition Excise Act, 2016 and Section 21(c) of the  
N.D.P.S. Act, 1985.

The accused/petitioner is named in the F.I.R. and is in  
custody since 28.03.2023.

The allegation against the petitioner is to have in  
possession of 159 litres of cough syrup, where one of the



composition is codeine, a narcotic substance prohibited under N.D.P.S. Act, 1985.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of codeine not appears to be made from conscious physical possession of this petitioner, as same was recovered from Jeep/scorpio, which does not even belong to this petitioner. It is submitted that even total quantity of contraband i.e., codeine be taken into consideration out of 159 litres, quantity of codeine would not be more than smaller quantity and as such the offence alleged under N.D.P.S. Act appearsailable. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged cough syrup not appears to be recovered from conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.03.2023, accordingly the petitioner, above named, is directed to be released on bail in



connection with Kasba P.S. Case No. 127 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S., Purnea/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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