

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36094 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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MD. MOJAHID ALAM @ MD. MOJAHID Son of Saifur Rahman Resident
of Village - Banbhag, P.S. - K. Nagar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar
For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 275 and 276 of the IPC
and Section 21(c) of the N.D.P.S. Act.

As per prosecution case, on secret information
received, police party started searching the Asifa Tea shop and
there has been recovery of 14 pieces of bottle each containing
100 ml codeine phosphate Wirof syrup from the freezer of the
shop.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has
committed no offence. Petitioner has not apprehended on spot.



Petitioner has no concern with the seized codeine like substance. He submitted that seized codeine syrup like substance does not come within the purview of commercial quantity as per N.D.P.S. Act. The provision of Section 50 of the NDPS Act has not been followed in this case. No incriminating article has recovered from the conscious possession of the petitioner. He is languishing in judicial custody since 29.11.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District and Sessions Judge, Purnia in connection with Krityanand Nagar P.S. Case No. 419 of 2022.

(Sunil Kumar Panwar, J)

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