

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37877 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- SULTANGANJ District- Bhagalpur

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AZAD KUMAR SAH Son of Late Ramkrit Sah Resident of village -
Abjuganj, P.S. - Sultanganj, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-07-2023 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 Section 22 of the N.D.P.S. Act
and Section 18(A)/18(B)/18(C)/27(B)(ii), 28/28(D) of the Drugs
and Cosmetics Act.

As per prosecution case, on secret information
received that narcotic drugs is kept on E-rickshaw, the police
party reached at that place and having seen the police one
person started to flee away from driver seat and on search there
has been recovery of 28 bottles of Codeine syrup from the E-
rickshaw.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has



committed no offence. He submitted that the petitioner has no concern with the seized codeine like substance. He submitted that seized codeine 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 N.D.P.S. Act has not followed in this case. No incriminating article has recovered from the conscious possession of the petitioner. He is languishing in judicial custody since 10.01.2023.

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, 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 Court concerned in connection with Sultanganj P.S. Case No. 20 of 2023.

(Sunil Kumar Panwar, J)

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