

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38145 of 2023**

Arising Out of PS. Case No.-136 Year-2023 Thana- NARPATGANJ District- Araria

1. Md. Sarfaraz Son Of Ishaque Resident Of Village - Sonapur, Ward No.- 10, P.S.- Narpatganj (Bathnaha), District - Araria
2. Md. Ishaque Son Of Shekh Tippan Resident Of Village - Sonapur, Ward No.- 10, P.S.- Narpatganj (Bathnaha), District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      04-07-2023                      Heard learned counsel for the petitioners and  
learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 21(C ), 22 of the NDPS Act.

As per prosecution case, it is a case of recovery of total 177.4 lts cough Syrup from the joint house of the petitioners.

Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. The petitioners have no concern with the alleged recovery rather it was recovered



from joint house of the petitioners. They have got no criminal antecedent. It is further submitted that the seizure list has not been prepared as per provision of Section 100 of the Cr.P.C. and the recovered syrup does not come within the purview of commercial quantity as per NDPS Act. Moreover, the petitioners are languishing in judicial custody since 20.03.2023.

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 petitioners, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Narpatganj (Bathnaha) P.S. Case No. 136 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge NDPS, Act, Araria.

**(Sunil Kumar Panwar, J)**

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