

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61630 of 2022

Arising Out of PS. Case No.-597 Year-2022 Thana- SUPAUL District- Supaul

RAHUL KUMAR @ RAHUL KUMAR GUPTA Son of Shri Shambhu Prasad Gupta @ Shambhu Prasad Gupta Resident of Jhakharahi, Ward No- 26, Nagar Parishad, Supaul, P.S and District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through Narcotics Control Bureau, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 21(a) and 21(b) of NDPS Act.

Prosecution case relates to recovery of 465 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup (111) bottles from the cartoon and 354 bottles from the sacks, kept hidden in ditch and the same were seized with a Apache Motorcycle in presence of independent witnesses.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no



offence. Nothing has been recovered from conscious possession of the petitioner. Up to 10 gm is small quantity and commercial quantity is above 1 kg. Codeine phosphate was not found in its natural form rather each bottle containing 10 mg. of codeine phosphate. This is permissible limit prescribed in a drug of codeine. No case would be made out under the provision of NDPS Act. The alleged recovery is less than small quantity. Petitioner bears clean antecedent. Petitioner is languishing in judicial custody since 22.06.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

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 Sessions Judge-cum-Special Judge, NDPS, Supaul in connection with Supaul P.S. Case No. 597 of 2022.

(Sunil Kumar Panwar, J)

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