

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75525 of 2023

Arising Out of PS. Case No.-512 Year-2023 Thana- SUPAUL District- Supaul

Nitish Kumar Son Of Arun Yadav @ Arun Kumar Resident Of Village-
Bhelwa, Ward No. 02, P.S. Gamhariya, District- Madhepura, State- Bihar-
852131

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 06-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Supaul P.S. case No.
512 of 2023 instituted for the offences under Sections 8, 21(b)
of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that 30 bottle of
cough syrup was recovered from the petitioner.

4. It has been submitted on behalf of the petitioner that
the petitioner is in custody since 25.06.2023 and has no criminal
antecedent. Charge-sheet has been submitted in this case. The
petitioner has falsely been implicated in the present case. 300
mg codin contained in 30 bottles cough syrup was recovered.
The same is below the commercial quantity. Hence, Section 37



of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Supaul P.S. case No. 512 of 2023, corresponding NDPS (Spl.) Case No. 38/2023.

(Rudra Prakash Mishra, J)

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