

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9715 of 2024

Arising Out of PS. Case No.-763 Year-2023 Thana- SUPAUL District- Supaul

Md Rahim, S/o Md. Samsuddin @ Md. Shamsuddin, Resident of Chakla
Nirmali, Ward No. 07, Police Station And District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun, Advocate
		Ms. Kanika, Advocate
		Mr. Thakur Brajesh Singh, Advocate
		Mr. Md. Anwar, Advocate
		Mr. Tooba Hera, Advocate
For the Opposite Party/s :		Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 22-02-2024
1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner has preferred this application for grant of regular bail in connection with NDPS Case no. 51 of 2023, arising out of Supaul P.S. Case no. 763 of 2023 registered under section 21(c) of the NDPS Act.
3. As per the prosecution case, on a search being conducted it is stated that 198 bottles of Codeine Phosphate and Triprolidine Hydrochloride syrup of 100ml each which contains 39.6 grams of Codeine Phosphate was recovered and on being



asked the petitioner who is said to be the driver of the vehicle did not produce any documents.

4. Learned counsel for the petitioner submits that no incriminating article has been recovered from the petitioner's possession who has been falsely implicated in the case. The alleged seized article is below the commercial quantity. The petitioner is in custody since 3.10.2023 and charge-sheet has been submitted in the case. Learned counsel for the petitioner further submits that a supplementary affidavit has been filed on behalf of the petitioner stating about the inadvertent error committed in paragraph no.3 of the petition and also about the antecedent of the petitioner in paragraph no.2 of the supplementary affidavit.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the petitioner being the driver of the vehicle in question together with the antecedent of the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Liberty is granted to the petitioner to renew his



prayer for bail after three months or on framing of charge,
whichever is later.

(Partha Sarthy, J)

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