

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9481 of 2024

Arising Out of PS. Case No.-354 Year-2023 Thana- DAGARUA District- Purnia

Rupesh Kumar @ Rupesh Kumar Sah @ Rupesh Kumar Shah Son Of
Ramanand Shah@Ramanandsah Resident Of Village-Bhogavishnupur Ward
No.-10, Police Station-Ranipatra (Mufassil), District-Purnia.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. The Superintendent Of Ncb, Bihar, Patna. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Adv.
For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State and counsel for the NCB.

2. The petitioner seeks regular bail in connection with
Dagarua P.S. Case No. 354 of 2023 lodged under Sections 21b,
25 and 29 of the N.D.P.S. Act. read with Section 28 of the Drugs
and Cosmetic Act.

3. As per the prosecution case, the total recovery 400
bottles of syrup containing codeine phosphate, each bottle
containing 100 ml of syrup i.e., total 40 liter of syrup has
alleged to be made, which is subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits



that admittedly, only 4 liter of syrup containing codeine phosphate has been recovered from the possession of the petitioner and rest 36 liter syrup has been recovered from other co-accused.

5. Counsel further submits that as per the quantity, the N.D.P.S, material is only 8 gram which is below the small quantity and as per the schedule, the small quantity is 10 gram.

6. Counsel for the petitioner submits that petitioner is in custody since 22.10.2023 having clean antecedent.

7. Learned counsel for the State opposes the prayer for bail.

8. Learned counsel for NCB vehemently opposes the prayer for bail and submits that the total recovery is more than the small quantity, but individual recovery is less than the small quantity.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge I/c, N.D.P.S. Act., Purnia in connection with Dagarua P.S. Case No. 354 of 2023,



subject to the following conditions as laid down under Section
437(3) of Cr.P.C.

(Dr. Anshuman, J.)

Prakashmani/-

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