

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18582 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Vivek Kumar Son of Ramniwas Singh Resident of Village- Jijouli, P.S.-
Masrakh, district- Saran (Chhapra)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through NDPS

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

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

ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Naugachia P.S. case No. 06 of 2024 instituted for the offences
under Sections 21(c), 22(c), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 285 bottles of
100ml each containing Triprolidine Hydrochloride and Codeine
Phosphate of CODEC-T company and 42 bottles of 100ml each
of Wiscof company syrup were recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. He
submitted that total 1.635 gram of codeine was recovered.
Charge-sheet has been submitted in this case. Petitioner is in



custody since 04.01.2024 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 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, clean antecedent, the recovered contraband being less than commercial quantity as also 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 Naugachia P.S. case No. 06 of 2024.

(Rudra Prakash Mishra, J)

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