

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23023 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- NARPATGANJ District- Araria

Hemant Kumar @ Hamat Kumar S/o Prakash Mehta R/o vill - Suksena, ward no. 14, P.S. - Simraha, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in Narpatganj (Basmatia) P.S. case No. 27 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 105 liters codeine cough syrup was recovered from car in question. The petitioner was apprehended at the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is



further submitted that the recovered cough syrup contains 5 gram codeine which comes under small quantity under the N.D.P.S. Act. Hence, Section 37 of the N.D.P.S. Act is not applicable in this case. The petitioner is in custody since 12.01.2024 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

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 of the petitioner 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 Narpatganj (Basmatia) P.S. case No. 27 of 2024.

(Rudra Prakash Mishra, J)

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