

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24786 of 2024

Arising Out of PS. Case No.-207 Year-2023 Thana- KASBA District- Purnia

Md. Babul @ Babul S/o Md. Daini @ Md. Hasim R/o ward no.13, Vill -
Gaiyari, P.s .- Town, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-04-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Special Case (N.D.P.S. Act) Case No. 65 of 2023 arising

out of Kasba P.S. Case No. 207 of 2023 registered for

the offence under Sections 8 (c), 21(c), 25 of the NDPS

Act 1985.

3. The petitioner is named in the F.I.R. and is

in custody since 20.01.2024.

4. The allegation against the petitioner is to

have in possession of 1920 bottles total 192 liters of



cough syrup having one of composition as 'Codein' which is a scheduled drug in terms of N.D.P.S. Act, 1985.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither driver nor helper and not even connected in any manner with alleged vehicle and recovery of cough syrups rather his name surfaced on the basis of disclosure made by co-accused persons namely Md. Shamser and Md. Saddam, who have already granted bail by this Hon'ble Court. It is further submitted that nothing surfaced during the course of investigation which may suggest that recovery of alleged cough syrup was not made from conscious physical possession of this petitioner. It is also submitted that alleged recovered cough syrups were manufactured from reputed pharmaceutical company where petitioner had no role and moreover even seizure list is not suggesting any composition of prohibited drug as to calculate quantity of narcotics substance/contraband as to ascertain whether it is more than commercial quantity



and as such implication of section 37 of the N.D.P.S. Act is not appears applicable in present fact. It is also submitted that seizure list is not supported by independent witnesses rather by police personnel creating doubt over entire recovery/seizure. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases, where he is on bail on all cases and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as name of petitioner transpires on the basis of disclosure made by apprehended co-accused persons namely Md. Shamser and Md. Saddam, who have already granted bail by this Court, coupled with the fact that charge-sheet has already submitted,



accordingly, petitioner, above named, is directed to be released on bail in connection with Special Case (N.D.P.S. Act) Case No. 65 of 2023 arising out of Kasba P.S. Case No. 207 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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