

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31066 of 2024**

Arising Out of PS. Case No.-45 Year-2024 Thana- JOGBANI District- Araria

Md. Jalil Son of Late Yusuf Resident of Village - Tikuliya Basti, Jogbani,  
Ward No.- 04, P.O. and P.S.- Jogbani, District - Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                                                                           |
|--------------------------|---|---------------------------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agarwal, Sr. Advocate<br>Mr. Vikram Singh, Advocate<br>Mr. Arvind Singh, Advocate<br>Mr. Kumar Rajdeep, Advocate |
| For the Opposite Party/s | : | Mr. Umanath Mishra, APP                                                                                                   |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      07-05-2024                      Heard learned counsel for the petitioner and learned  
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Jogbani P.S. Case No. 45/2024 dated 25.02.2024 registered for the offence punishable u/s 21 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, total 540ml of Phenergan injection was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that the said Phenergan Injection which recovered from the possession of the petitioner does not come under the N.D.P.S. Act as Phenergan



Injection is used to treat nausea and vomiting associated with motion sickness as stated in para. 7 of the bail petition. Learned counsel for the petitioner has further relied on the judgment in **Lijo Joy Vs. State of Kerala in Crl. A. No. 1520 of 2012 and 635 of 2013**. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 25.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria in connection with Jogbani P.S. Case No. 45/2024.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

atul/-

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