

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35090 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- DARBHANGA District- Darbhanga

Sunil Kumar Ray @ Sunil Kumar Rai @ Bittu Son Of Kameshwar Ray @
Kameshwar Rai Mohalla- Khankah Chauk P.S- Town Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
G.O. NDPS Case No. 33/2023 arising out of Town (Kotwali
O.P) P.S. Case No. 274 of 2023 lodged on 16.09.2023 under
Sections 22B of the NDPS Act.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons, including the
present petitioner who was arrested by the police from whom a
motorcycle and codeine syrups have been recovered and on
demand receipt whereof has not been shown by him.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
antecedent of the petitioner is clean and he is in custody since



17.09.2023. It appears from the seizure list that the recovery has been made in gross violation of section 100 of the Code of Criminal Procedure. A total of 14 plastic bottles each containing 100 ml of codeine have been recovered from the possession of the petitioner. He further submits that as per the standard norms in 100 ml cough syrup maximum of 2.5 grams of NDPS materials are present. As such, in 14 codeine syrup, the total material available shall be less than 5 grams which is less than the small quantity. He further submits that the major quantity is more than five grams and the commercial quantity is 1 kg.

5. On the other hand, learned counsel for the State opposes the prayer for bail and submits that the recovery has been made from the petitioner's possession and, therefore, he may not be released on bail.

6. Upon specific query, it is informed to this Court that the charge has already been framed in this case.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge, if not already 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 XI Additional District and



Sessions -cum-Special Judge, Darbhanga, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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