

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37653 of 2024

Arising Out of PS. Case No.-941 Year-2023 Thana- SUPAUL District- Supaul

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Bittu Kumar S/O Surendra Mukhiya Resident Of Village- Naya Nagar, Ward
No 13, P.S- Supaul, District Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Patla Kumari, Advocate

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

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

ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 69 of 2023, arising out of Supaul PS Case No. 941 of
2023 instituted for the offences under Section 21(b) of the
NDPS Act.

3. Prosecution allegation, in short, is that there is recovery
of 160 bottles of codeine phosphate & triprolidine hydrochloride
syrup.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. It is submitted that total codeine amounts to 32 gram, which is below commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 26-12-2023 and has got one criminal antecedent. There is no compliance of Sections 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, recovery below commercial quantity, charge sheet being submitted 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 NDPS Case No. 69 of 2023, arising out of Supaul PS Case No. 941 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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