

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43541 of 2024**

Arising Out of PS. Case No.-721 Year-2023 Thana- ARARIA District- Araria

Aftab @ Md. Aftab Son of Late Kasim Resident of village - Suryapur, P.S.-  
Araria (Bairgachhi), District - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vaishnavi Singh  
For the Opposite Party/s : Mr.Bharat Lal

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      13-09-2024      1. Heard the parties.

2. The petitioner seeks regular bail in connection with Araria (R.S.) P.S. Case No. 721 of 2023 dated 23.07.2023 registered for the offence under Sections 21, 22, 23 of the Narcotic Drugs and Psychotropic Substance Act.

3. As per the prosecution case the Police recovered 1118 bottles (100 ml each) of Eskuf Cough syrup containing Codeine Phosphate and Chlorpheniramine Maleate equivalent to 111.8 liters from the car belonging to the petitioner.

4. Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has been made accused merely on the basis of the fact that petitioner is the owner of the car. The car was parked inside a mosque and the petitioner was not aware that cough syrup having Codeine



was kept inside by the co-accused person who had borrowed the car from the petitioner. Learned counsel further submits that quantity of Codeine in 111.8 liters of cough syrup is equivalent to 223.6 gram inasmuch as 10 mg of Codeine is found in 5 ml of the cough syrup. The commercial quantity of Codeine as per schedule appended to the NDPS Act is 1000g (1 Kg). The Codeine recovered from the petitioner's car is in small quantity and substantially less than commercial quantity. Though the petitioner is having criminal antecedent but not of similar nature of offence. He is in custody since 21.05.2024 and similarly situated accused persons have been granted regular bail by this Court in Cr. Misc. Nos. 83104 of 2023 & 23783 of 2024 (Annexures- 3 & 4).

5. Regard being had to the submissions made by the parties, taking into consideration the fact that the quantity of Codeine in the cough syrup is less than commercial quantity, the co-accused persons have been granted regular bail, this is first offence of the petitioner under the N.D.P.S. Act and he is in custody since 21.05.2024, as such, I am inclined to grant regular bail to the petitioner.

6. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10000/- (Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned  
Special Judge NDPS Act, Araria in connection with Araria (RS)  
P.S. Case No. 721 of 2023 subject to the condition that the  
petitioner shall remain present on each and every date before the  
learned trial court and in case of absence on two consecutive  
dates without prior permission of the trial court, his bail bond  
shall liable to be cancelled.

(Anil Kumar Sinha, J)

praful/-

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