

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45314 of 2024**

Arising Out of PS. Case No.-246 Year-2024 Thana- ARARIA District- Araria

Shivanand Tatma Son of Giranand Tatma Resident of Village - Aurahi  
Hingna, P.S.- Simraha, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate  
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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

ORAL ORDER

2      03-07-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Araria P.S. Case No. 246  
of 2024, instituted for the offences under Sections 8, 21 and 22  
of the NDPS Act.

3. Prosecution allegation, in short, is that, total 267.5  
liters cough syrup along with three cars were recovered.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. Learned counsel for  
the petitioner also submits that the petitioner is not the owner of  
any of the three cars in question and the recovered items does



not belong to the petitioner. The petitioner was not arrested on spot. Name of the petitioner has transpired during the course of investigation. It is further submitted that 100 ml cough syrup contains 4 mg codeine phosphate, therefore, 267.5 liters cough syrup contains 10700 mg codeine phosphate i.e., 10.7 gram. The recovered contraband is below the 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 23.04.2024 and has got one criminal antecedent in which the petitioner is on bail. 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, the recovered contraband being below the commercial quantity 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 Araria P.S. Case No. 246 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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