

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44474 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- SINGHESHWAR District- Madhepura

LALU KUMAR Son of Bimal Yadav @ Vimal Yadav Resident of village -
Majrahat Kamrail Tola, Ward No.- 7, P.S.- Singheshwar, District -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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

ORAL ORDER

6 22-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Singheshwar P.S. Case No. 129 of 2023 dated
14.05.2023 registered for the offence/s punishable u/s 21(C) of
N.D.P.S.

3. As per the prosecution case, total 1.600 litres of codeine
mixed cough syrup was recovered from the motorcycle of the
petitioner.

4. Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this case.
The petitioner has nine other criminal antecedents as stated in para 3
of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed



the anticipatory bail petition of the petitioner and submitted that the seized contraband is of commercial quantity and the said recovery was made from the conscious possession of the petitioner. Learned APP for the State also placed reliance on the judgment in the case of ***Hira Singh and Anr. Vs. Union of India and Anr, (2020)20 Supreme Court Cases 272*** of Hon’ble Apex Court has held that “weight of entire materials/ mixture along with neutral material is to be considered for ascertainment of weather the quantity is “small quantity” or “commercial quantity”.

6. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity of Codeine syrup, I am of the view that no case for grant of anticipatory bail is made out and the same is rejected with direction to the petitioner to surrender before the Court below concerned within six weeks from the date of this order and the prayer for regular bail, the learned Court below will consider his prayer for regular bail on the same day in accordance with law and on its own merit without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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