

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51291 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- NARPATGANJ District- Araria

SONU KUMAR SON OF PRAKASH MEHTA RESIDENT OF VILLAGE -
SUKSENA, WARD NO. 14, P.S. - SIMRAHA, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Narpatganj (Basmatia) P.S. Case No. 27 of 2024 instituted
for the offences under Sections 30(a) of the Bihar Prohibition
and Excise Act.

3. Prosecution case, in short, is that 105 litres codeine
syryp was recovered from car in question.

4. Pursuant to order dated 20.07.2024, detailed
counter-affidavit has been filed on behalf of the State through
Superintendent of Police, Araria. In the said counter-affidavit,
total quantity of codeine recovered is stated to be 210 grams. In
paragraph no.10, it is stated that due to administrative error, the



present case was initially registered under the Bihar Prohibition and Excise Act, however, it has subsequently come to light that the seized articles in question fall under the jurisdiction of the Narcotic Drugs and Psychotropic Substance (NDPS) Act. It has been further stated in paragraph no. 11 that upon review and supervision, it was found that the case pertains to Section 21(c) of the NDPS Act.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having considered the submissions made by the parties and the material placed on record taking into account the nature and gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.



9. However, liberty is granted to the petitioner to surrender before the learned court below and, thereafter, seek regular bail before the same. If any such application is filed, learned court below shall consider the same on its own merit, without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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