

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 51564 of 2023**

Arising Out of PS. Case No.-524 Year-2023 Thana- ARARIA District- Araria

MD. NOUSHAD @ MD. NAUSHAD ALAM @ MD. NAUSAD ALAM S/O
HEFAJ @ HEFAZUDDIN R/O VILLAGE- HALDIA, HARIYABARA,
WARD NO. 6/10, PS. SIMRAHA (FORBISHGANJ), DIST. ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

8 28-02-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Araria P.S. Case No.524 of 2023 registered for the offence under
Sections 21, 22 and 23 of the N.D.P.S. Act.

3. Allegation against the petitioner is to have
involved in illegal trade of narcotic drug along with other co-
accused persons, where, there is recovery of total 727.700 litres
of syrup containing codeine from the possession of the
petitioner.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner has falsely been implicated in the present case. It is submitted that petitioner was working as care taker of the Godown for which he was being paid Rs. 5000/- It is submitted that recovery of alleged illicit liquor was not made from conscious physical possession of the petitioner and he has no concern with the alleged recovery. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 29.05.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner and submitted that the alleged recovery of narcotic substance i.e. codeine was made from the possession of this petitioner.

6. In view of the allegation and submission made by both the parties and as recovery of syrup containing codeine was made from conscious physical possession of this petitioner and it appears from report of Bihar Durgs Control Laboratory bearing Memo No.1582 G.A. dated 18.10.2023 that syrup contains codeine phosphate and chlorpheniramine maleate and as recovered amount is more than commercial quantity and in view of the law laid down by Hon'ble Apex Court in the case of *Hira Singh Vs. Union of India and Another*, this Court is not inclined to grant bail to the petitioner, at present.



7. The trial court is directed to conclude the trial of this case within a year from the date of receipt of a copy of this order.

(Ramesh Chand Malviya, J)

S.Katyayan/-

U		T	
---	--	---	--

