

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59888 of 2023

Arising Out of PS. Case No.-313 Year-2023 Thana- JOKIHAT District- Araria

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WAHIDUL ISLAM Son of Md. Sarfuddin @ Md. Sharifuddin RESIDENT
OF MIRZAPUR PS MALDA DISTRICT MALDA WB

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 12-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 21(C), 22(C) of the N.D.P.S. Act.

3. It is alleged that the petitioner was apprehended with a vehicle bearing Registration No. WB66J-2045 from where, 938 bottles of cough syrup Phensedyl of 100 ml, total 92.8 liters of cough syrup was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. The petitioner is only driver of the seized vehicle and he has no concern with the alleged recovery of cough syrup. It is also submitted vide para 2 of the



supplementary affidavit that the total quantity of codeine Phosphate in seized 938 bottles is 187.6 gram which does not come under purview of commercial quantity as per N.D.P.S. Act. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition and he is languishing in judicial custody since 3.7.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with Jokihat (Mahalgaon) P.S. Case No. 313 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge Cum-Special Judge (NDPS Act), Araria.

(Sunil Kumar Panwar, J)

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