

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65736 of 2024**

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

Md. Ghufran Khan @ Raja @ Gufran S/O Sagar @ Sagir Khan R/O Gachai  
Tola, Ward No 24, P.S. Araria, District-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.  
Mr. Umesh Kumar Gupta, Adv.  
For the Opposite Party/s : Mr.Madan Kumar, APP

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

ORAL ORDER

2      27-09-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection  
with Araria P.S. Case No. 246 of 2024 registered for the  
offences punishable under Sections 8, 21, 22 of the Narcotics  
Drugs and Psychotropic Substance Act.

3. As per prosecution case, the police has recovered  
total 2675 bottles each of 100 ml Codeine rich syrup i.e. total  
267.5 liters from the car parked in the compound of one Mehtab  
@ Aman.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case due to suspicion and dirty village party politics. He



further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house rather the same have been recovered from the four wheeler vehicles being parked in the compound of co-accused Mahtab @ Aman. The petitioner is neither owner nor driver of any of the vehicles. He has also no concern with the alleged occurrence. He further submits that as per notification dated 14.11.1985 issued by the Central Government, Codeine syrup is not a Narcotic Drugs. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Shivanand Tatma has been granted regular bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 45314 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. This Court on perusal of the records finds that the alleged Codeine rich syrup has been recovered from the car parked in the compound of the co-accused Mehtab @ Aman and



nothing has been recovered from the conscious possession of the petitioner as also the petitioner has no criminal antecedent.

8. In view of the above, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Araria P.S. Case No. 246 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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