

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75845 of 2024

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

Md. Aman @ Mahatab @ Aman Son of Sadik @ Md Sadique Hussain R/O
Vill.- Ward No 10, Garhbanaili, P.S.- Mahalgaon District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Advocate
	:	Mr. Umesh Kumar Gupta, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

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

ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Araria P.S. Case No. 246 of 2024 instituted for the offences
under Sections 8, 21, 22 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 2675 bottles each of 100ml Codeine rich syrup i.e. total
267.5 litres from car parked in the compound of this petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this 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. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The co-accused person has already been granted bail by this Bench vide order dated 27.09.2024 passed in Cr. Misc. No. 65736 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned 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 Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Alok Verma/-

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