

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78290 of 2024

Arising Out of PS. Case No.-417 Year-2024 Thana- RAJAON District- Banka

Md. Afjal Ali Son of Md. Ibrahim Resident of Village- Islamnagar, P.S.-
Rajoun, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

2 29-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Rajoun P.S. Case No.
417 of 2024, instituted for the offences punishable under
Sections 21(c) and 22(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 106.500 liter illegal cough syrup in 1065 bottle from
the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for
the petitioner also submits that the petitioner has got no concern



with the alleged recovery of cough syrup. It is further submitted that the alleged 106.500 liter of cough syrup contains 4.26 gm of codeine. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 02.09.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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, the recovered contraband being below the commercial quantity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on 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 Rajoun P.S. Case No. 417 of 2024.

(Rudra Prakash Mishra, J)

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