

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78833 of 2024

Arising Out of PS. Case No.-281 Year-2024 Thana- NARPATGANJ District- Araria

Deepak Kumar S/o- Shashi Bhushan Ray @ Bhushan Ray R/o - Bawanghat
Ward No- 11, P.S - Mahua, Dist - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Adv.
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with
Narpatganj P.S. Case No. 281 of 2024 instituted for the
offences under Section 21(b) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
total 280 litres Cough Syrup (combination of codeine phosphate
and triprolidine hydrochloride syrup) from the bus.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case
merely on the basis of suspicion. The petitioner is the *Khalasi*
(helper). He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the alleged bus. There is also no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the seized contraband (codeine). The quantity of the alleged contraband recovered is less than the commercial quantity. 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. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 21.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Narpatganj P.S. Case No. 281 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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