

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82396 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- JAMALPUR District- Darbhanga

Ashish Kumar Ray @ Ashish Kumar S/o Shobhakant Ray Resident of
Village- Narkitaya, PS- Jamalpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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

ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with PTN
Case No. 915 of 2024, arising out of Jamalpur P.S. Case No. 67
of 2024, instituted for the offences punishable under Sections 21
and 22 of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 45 bottles of codeine cough syrup from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious



possession of the petitioner. Learned counsel for the petitioner further submits that each bottle contains 100ml of codeine cough syrup. Therefore, 45 bottles of cough syrup contains 9 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 05.09.2024 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 PTN Case No. 915 of 2024, arising out of Jamalpur P.S. Case No. 67 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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