

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85578 of 2023**

Arising Out of PS. Case No.-703 Year-2023 Thana- SUPAUL District- Supaul

Prakash Kamat Balandar Kumar @ Prakash Kamat @ Balindra Kumar Son  
Of Lalo Kamat R/O Ward No. 24, Nagar Parishad Supaul, P.S.- Supaul, Dist.-  
Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      10-01-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case  
registered for the offence punishable under section 21(a) of the  
N.D.P.S. Act.

3. Prosecution case relates to recovery of 93 bottles of  
Codeine Phosphate and Triprolidine Hydrochloride Syrup  
(WISCOF), each of 100 ml were recovered from house of the  
petitioner and he is said to have been apprehended on spot.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He has  
falsely been implicated in this case. The petitioner has no  
concern with the alleged recovery of Codeine cough syrup and



the same does not come under purview of commercial quantity as per N.D.P.S. Act. It is further submitted the provision of N.D.P.S. Act has not been followed by the prosecution. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 5.9.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge him on bail. The above named petitioner is directed to be released on bail **after framing of charge, if not framed** in connection with NDPS special Case No. 44 of 2023 arising out of Supaul P.S. Case No. 703 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-Cum-Spl. Judge NDPS, Supaul.

**(Sunil Kumar Panwar, J)**

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