

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5321 of 2025

Arising Out of PS. Case No.-236 Year-2024 Thana- KISHANPUR District- Supaul

Md. Umar Faruk son of Late Md. Harun Ansari @ Md.Harun @ Md. Harun
Ansanri Resident of village - Kyotapatti, kewtaPatti, Ward no. 06, ps-
Kishanur, dist- Suapul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

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

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 75 of 2024 arising out of Kishanpur PS Case No. 236
of 2024 instituted for the offences under Sections 21(c) & 25 of
the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 770 bottles (measuring 100ML each) of syrup
containing codeine 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. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner further submits that petitioner has no concern with the recovered contraband. The recovered contraband is below the commercial quantity as the total quantity of codeine in the recovered contraband comes to 154 gram. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 09-09-2024 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, recovery below 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 NDPS Case No. 75 of 2024 arising out of Kishanpur PS Case No. 236 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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