

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6488 of 2025

Arising Out of PS. Case No.-17 Year-2024 Thana- SIMRAHA District- Araria

Md. Ajaz @ Eajaz Son of Ashfaque @ Asphak Resident of Purandaha
Laxmipur, Ward No.03, P.S.- Simraha, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Simraha P.S. Case No. 17 of 2024 registered for the alleged offences under Sections 8(c)/21(b) of N.D.P.S. Act.

3. As per prosecution case, police received secret information about selling of brown sugar by the petitioner. A raid was conducted at the house of the petitioner who tried to flee away on seeing the police party but was apprehended. On search of the person of the petitioner, recovery of 8.45 gram of brown sugar, 4.86 gram of charas and 3 bottles of cough syrup of 100 ml each were recovered.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The alleged search and seizure is without compliance of procedure and in contravention of Section 100 of the Code of Criminal Procedure. So far as recovery of cough syrup is concerned, the same is much below small quantity and possession of 3 bottles is nothing unusual considering the fact that it is easily available at all medicine shops. If codeine, which is one of the essential ingredients, is concerned, its quantity is only 0.6 gram in 300 ml whereas the notified small quantity of codeine is 10 gram. Learned counsel further submits that the recovered brown sugar is above the small quantity and recovery of charas is below the small quantity. The petitioner is having antecedent of one case under Bihar Prohibition and Excise Act. The petitioner is in custody since 19.04.2024 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that from the possession of the petitioner recovery of different contrabands have been made which shows the petitioner has been selling the same.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to 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 learned Principal District & Sessions Judge -cum- Special Judge, NDPS, Araria/concerned Court in connection with Simraha P.S. Case No. 17 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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