

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7443 of 2025

Arising Out of PS. Case No.-303 Year-2022 Thana- BAISI District- Purnia

Mahmood Alam S/O Late Ala Rakha Resident of Panibag, ward no.- 04, P.S-
Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 14-05-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Baisi Police Station Case No. 303 of 2022, dated 02.08.2022, disclosing offences punishable under Sections 8 (c)/21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.
3. The prosecution case, as per the First Information Report, is that during vehicle check, the police intercepted one tempo and recovered 09 cartons having 90 litres of Chlorpheniramine Maleate and Codeine Phosphate cough Linctus Phensedyl cough Lintus and arrested the driver of the tempo, who disclosed his name as Md. Raza and he further disclosed that he was going to deliver the cartons



to the person, having mobile no. 8541932707.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case merely because he is the holder of mobile no. 8541932707. He further submits the name of the petitioner transpired in this case on the basis of confessional statement of the arrested tempo driver that he was going to deliver the syrups to the person, having mobile no. 8541932707. He further submits that the quantity of Codeine in 90 liters of cough syrup is equivalent to 177.12 grams inasmuch as 9.84 mg of Codeine is found in 5 ml of the cough syrup. The commercial quantity of Codeine as per schedule appended to the Narcotic Drugs and Psychotropic Substances Act, 1985, is 1 Kg. The Codeine recovered from the tempo is substantially less than commercial quantity.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the name of the petitioner transpired in this case on the basis of confessional statement of arrested co-accused, person, the quantity of Codeine in the cough syrup is less



than commercial quantity and the petitioner, having 81 years of age, has go no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal Sessions Judge, Purnea, in connection with Baisi Police Station Case No. 303 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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