

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6611 of 2025

Arising Out of PS. Case No.-417 Year-2024 Thana- PALASI District- Araria

Faiyaz Alam @ Faiyaz S/O Ahmad Hussain Resident of village- Palasi, Basti
ward no. 08, Police Station- Palasi, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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

ORAL ORDER

2 13-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Palasi
P.S. Case No. 417 of 2024 instituted for the offences under
Sections 20(B)(ii)(C), 22(C) of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 120 litres
Eskuf Syrup has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 03.12.2024 and has no criminal antecedent. There
is no allegation of tampering of witnesses alleged against the
petitioner. No incriminating material has been recovered from
the conscious possession of the petitioner. The recovered



contraband is more than small quantity but below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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. Learned APP further submitted that in the seized cough syrup, the contraband present is codeine, which amounts to 240 grams, which is more than small quantity but less than commercial quantity as per the N.D.P.S. Act.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity as also 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 Palasi P.S. Case No. 417 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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