

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9856 of 2025

Arising Out of PS. Case No.-308 Year-2024 Thana- Excise P.S. District- Supaul

Jay Prakash Kumar S/O Yugeshawar Yadav R/O Vill.- Balaha
Tola,Makhanpatti,ward no.11,P.S-Supaul,Dist- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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

ORAL ORDER

2 27-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Supaul
Excise P.S. Case No. 308 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution case, in short, is that total 109.300 litres
of cough syrup has been recovered from car.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 16.11.2024 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 present in the cough syrup is codeine which is equivalent to 218.6 grams and the same is below the commercial quantity, and hence, even Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita as also 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 is below the 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 Supaul Excise P.S. Case No. 308 of 2024.

(Rudra Prakash Mishra, J)

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