

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41097 of 2025

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

Md. Shahid Md Nizam @ Nizam Muddin Resident of village- Palasi Tola
Kabaiya, 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. Chandra Bhushan Prasad, APP

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

ORAL ORDER

2 30-06-2025 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 punishable
under Sections 20(B)(ii)(C) and 22(C) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of total 120 liters of Eskuf Cough syrup from a
Scorpio car.

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 also submits that the petitioner was neither present
at the place of occurrence nor has got any concern with the



alleged recovery of cough syrup. Name of the petitioner has transpired in this case during course of investigation on the basis of mobile tower location and it is alleged that the mobile tower location of the driver (co-accused) and petitioner were same before the alleged occurrence and on the basis of suspicion he was arrested by the police. It is next submitted that the petitioner has got no concern with the alleged car and no recovery has been made from the possession of the petitioner. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 26.04.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It is further submitted that similarly situated co-accused has been granted regular bail by this Court vide order dated 13.02.2025 passed in Cr. Misc. No. 6611 of 2025.

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, the recovered contraband being below the 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 Palasi P.S. Case No. 417 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

