

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40708 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- MANIHARI District- Katihar

Md. Akbar S/O Md. Aiyub Khan @ Ayub Khan R/O Vill.- Rasulpur, P.s.-
Manihari, Dist.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with NDPS Case No. 63 of 2025 arising out of Manihari P.S. Case no. 106 of 2025 instituted for the offence under Sections 8 (c), 21 (c), 22 (c) and 25 of the NDPS Act.

3. The case of the prosecution is that altogether 63.500 liters of Codine Syrup was recovered.

4. Learned counsel for the submits that in this case seizure was not made before the Magistrate. Both seizure list witnesses are police officers. It is further submitted that Sections 42 and 50 of the NDPS Act was not followed while making seizure.



4. On being asked, learned counsel for the petitioner has submitted that he does not disown the house from which the recovery was made.

5. In the cases of NDPS Act, anticipatory bail is not permissible and it is permissible only in the cases where the allegation does not make out a case under this Act. Since the Commercial quantity of Codine Syrup was recovered from the house of the petitioner, I am not inclined to extend him the privilege of anticipatory bail to the petitioner. Accordingly the same stands rejected.

(Ashok Kumar Pandey, J)

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