

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47632 of 2025

Arising Out of PS. Case No.-314 Year-2023 Thana- HARLAKHI District- Madhubani

Md. Israfil S/o- Taslim @ Md. Taslim R/o -Mahinathpur, P.S - Basopatti,
District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjay Kumar Jha, Advocate Mr. Anant Kumar Bhaskar, Advocate Mr. Ashish Kumar Palit, Advocate Mr. Sushant Srivastava, Advocate
For the Opposite Party/s :	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 18-07-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with NDPS (GR) no.85 of 2023, arising out of Harlakhi P.S. Case no.314 of 2023 registered under sections 279, 337 and 338 of the Indian Penal Code and sections 20 and 22 of the NDPS Act.

3. As per the prosecution case, 192 bottles of 100 ml each ie 19.2 litres of triporlidine hydrochloride and codeine phosphate syrup was recovered from the petitioner's possession which is said to be more than small quantity as per the NDPS Act.

4. It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected



vide order dated 2.4.2024 passed in Cr. Misc. no.20210 of 2024. The petitioner has been falsely implicated in the case. Even accepting the allegations levelled in the F.I.R. for the sake of argument, in view of the fact that as per the chemical composition of the cough syrup, there being 100 mg of codeine in 5 ml of syrup, there would be 38.4 grams of codeine in the seized 192 bottles of 100 ml each. Thus the quantity of codeine seized would be between the small quantity of 10 grams and the commercial quantity of 1 kg. Learned counsel submits that though the sentence can be up to 10 years, however the petitioner having already remained in custody for 1 year 6 months since 2.12.2023, he be enlarged on bail. It is lastly submitted that charge has been framed in the learned trial Court on 17.5.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations of recovery of 192 bottles of 100 ml each of cough syrup containing a total of 34.8 grams of codeine which is more than small quantity and less than commercial quantity, the Court is not inclined to enlarge the petitioner on bail for the present and the application is



rejected.

7. Liberty is granted to the petitioner to renew his
prayer for bail after six months.

(Partha Sarthy, J)

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