

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62314 of 2025

Arising Out of PS. Case No.-308 Year-2025 Thana- AMAUR District- Purnia

Margub Alam aged about 32 years, male, S/O Md Israel Resident of Village - Kochka, Ward No. 7, Police Station - Amour, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Thakur Brajesh Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner is in custody in a case registered for the offence punishable under Sections 8(c) and 21(b) of the NDPS Act.

3. As per the allegation in the FIR, total 15 bottles of codeine cough syrup each containing 100 ml (total 1.5 litres) has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He next submits that petitioner is a licensed medical shop owner who used to sell the medicinal cough syrup on the doctor's prescription only and out of the total 100 ml per bottle, codeine is present only in a small prescribed proportion and the rest of the liquid consist non-narcotic medicinal ingredients. He further submits that there are no independent witnesses despite the fact that the alleged recovery was made from a busy market



further there is no compliance of Section 50 NDPS as the search should have been done before the Magistrate or the Gazette Officer but in the present case the search was conducted before the police. He next submits that petitioner is in custody since 16.07.2025 and has got no criminal antecedents as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for Regular bail of the petitioner.

6. Considering the facts and circumstances of the case as well as the submissions made by learned counsel for the petitioner, let the above named petitioner be released on bail, on his furnishing bail bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, N.D.P.S. Act, Purnea in connection with Amour P.S. Case No.308 of 2025 with a condition that if the petitioner would be found in the same nature of offence in future, the prosecution will be at liberty to proceed for cancellation of bail of the petitioner as it will be treated as misuse of bail.

(Ramesh Chand Malviya, J)

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