

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81326 of 2024

Arising Out of PS. Case No.-463 Year-2024 Thana- PURNEA SADAR District- Purnia

1. Asim Talukdar Son of Late Prabhat Talukdar village- Gangarampur (Belbari) ward no. 01, Ps- Gangarampur District- South Dinajpur (W.B)
2. Md Bishu Miyan son of Late Istab Ali village- Gopal Nagar Ward no. 3, ps- Kaliya Chowk, Dist- Malda (WB)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agrawal, Sr. Advocate Mr. Ram Prawesh Kumar, Advocate Mr. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 14-02-2025

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Sadar P.S. Case no.463 of 2024 registered under sections 8(c), 21(c) and 25 of the N.D.P.S Act.

3. As per the prosecution case, 975 bottles containing 100 ml each of Codeine syrup kept in six cartoons was recovered from the vehicle in question. The petitioner no.1 who is the owner of the vehicle and the petitioner no.2 who was present in the vehicle were arrested at the spot.

4. Learned Senior counsel for the petitioners submits that no incriminating article has been recovered from the



petitioners' possession who have been falsely implicated in the case. It is further submitted that accepting the allegations levelled in the FIR and referring to the contents of the counter affidavit filed on behalf of the Superintendent of Police, Purnea, it is submitted that the alleged recovery is below the commercial quantity. The petitioners have no criminal antecedent. They are in custody since 18.8.2024 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P for the State. Referring to the counter affidavit filed on behalf of the Superintendent of Police, Purnea, it is submitted that the petitioner no.1 is the owner of the vehicle in question. Both the petitioners were arrested at the spot and the incriminating substance was recovered from the car.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the FIR, the recovery being below the commercial quantity, the petitioners having remained in custody for about 6 months since 18.8.2024, charge-sheet having been submitted in the case and the petitioners not having any criminal antecedent, both the petitioners are directed to be enlarged on bail in connection with Sadar P.S. Case no.463 of 2024 on each of them furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties
of the like amount each to the satisfaction of the learned Special
Judge, NDPS Act, Purnea.

(Partha Sarthy, J)

Shiv/-

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

