

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87135 of 2024

Arising Out of PS. Case No.-317 Year-2024 Thana- JANKINAGAR District- Purnia

Manoj Kumar @ Manoj Yadav Son of Rabindra Prasad Yadav Resident of
village- Jhalighat Police station- Jankinagar District -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Janki
Nagar P.S. Case No. 317 of 2024, instituted for the offences
punishable under Sections 8(c) and 21(c) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 1.4 liters of codeine cough syrup from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits that 1.4 liters cough syrup contains 2 gm codeine which is less than small quantity and the petitioner has got no concern with the alleged recovery. 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 02.09.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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 Janki Nagar P.S. Case No. 317 of 2024.

(Rudra Prakash Mishra, J)

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