

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**B.A. No. 6707 of 2022**

Amit Kumar Gupta

**..... Petitioner**

Versus

The State of Jharkhand

**.....Opposite party**

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**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Petitioner : Mr. Manoj Kr. Sah, Advocate

For the State : Mr. Ravi Prakash, Spl.P.P.

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**Order No.04/ Dated:31.08.2022**

Heard learned counsel for the parties.

The petitioner has been made an accused in connection with N.D.P.S. Case No. 02 of 2022 arising out of Godda (T) P.S. Case No. 122 of 2022, registered for the offence under Section 269, 270 of the Indian Penal Code and under Section 21(c) & 27 (B) (C) (ii) of Narcotics Drugs & Psychotropic Substance Act, pending in the court of learned Sessions Judge, Godda.

As per F.I.R. allegation is that on 03.05.2022, a raid was conducted in presence of Magistrate and 60 bottles of Dialex-DC-Syrup containing 100 ml in each has been recovered from rented house of this accused. It is further submitted that the said drug contains codeine. The said bottles of cough syrup were duly seized.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case. At the time of search and seizure he was not present in the house and procedure of search and seizure were conducted in his absence and no copy of seizure list was provided to him or family member. Charge sheet has been submitted. Petitioner has no criminal

antecedent. The petitioner is languishing in Judicial custody since 04.05.2022 without rhymes and reasons. Petitioner undertakes to co-operate in the trial of the case by remaining physically present as and when required and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution, hence, the petitioner may be enlarged on bail.

Learned Spl.P.P appearing on behalf of State has opposed the prayer for bail of the petitioner and submitted that alleged recovered articles come under the purview of commercial quantity. As per restriction imposed under Section 37 of NDPS Act, petitioner is not entitled for bail.

Considering the facts and circumstances of the case and also in view of recovery of commercial quantity of Narcotic drugs, I am not inclined to admit the petitioner on bail, which stands rejected.

**(Pradeep Kumar Srivastava, J.)**

R.K.