

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44368 of 2024**

Arising Out of PS. Case No.-24 Year-2024 Thana- BELA District- Sitamarhi

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Ramesh Kumar Son Of Rajendra Prasad Resident Of Vill- Bela-  
Machpakauni, P.S.- Bela, District- Seetamarhi.

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Misha Bharti, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      03-07-2024                      Heard Ms. Misha Bharti, learned counsel appearing  
  
on behalf of the petitioner and Mr. Satyendra Narayan Singh,  
  
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody  
since 06.02.2024 in connection with Bela P.S. Case No. 24 of  
2024 registered for the offence punishable under Section 21(b)  
of the NDPS Act.

3. Based on a written report, the prosecution alleges  
that the police on a tip off concealment of intoxicated  
medicines, conducted a raid in the house of the petitioner. In  
course of search various prohibited medicines were recovered  
leading to institution of the FIR.

4. Learned counsel appearing on behalf of the  
petitioner contended that from the FIR it is evident that the



alleged recovery has been made from the house of the petitioner however the place of seizure from where the recovery has been shown doesn't belong to the petitioner. It is further contended that the place in question owns by one Kashi Prasad and the petitioner was only renter of one of the shop out of six shops. It is further contended that there is various other infirmities in the search and seizure moreover the alleged recovered medicine containing codeine is much below the commercial quantity and such the rigors provided under Section 37 of the NDPS Act would not be applicable. It is further contended that the petitioner bears fair antecedent and he is in custody since 06.02.2024. The investigation of the crime is already complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is no confusion with regard to the place from where recovery is made or the house of the informant; in fact the petitioner has taken two shops on rent and from one of the shop the recovery has been made.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovered medicines containing codeine is below the



commercial quantity coupled with the fact that the petitioner bears fair antecedent and he has been incarcerated since 06.02.2024, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judge of Special Court, Sitamarhi in connection with Bela P.S. Case No. 24 of 2024.

7. The application stands allowed.

(Harish Kumar, J)

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