

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4114 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- JALALGARH District- Purnia

Sawan Kumar Son of Manoj Roy Resident of Village - Sisiya (Shishiya),
Ward No.. -12, P.S. - Korha, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner seeks bail in connection with
Jalalgarh P.S. Case No. 110 of 2024 dated 03.08.2024
registered for the offence punishable under Sections 8(c),
21(c) and 25 of the N.D.P.S. Act.

3. The prosecution case, in short, is that two
persons were apprehended, who escaped by abandoning the
vehicle. The apprehended persons disclosed their names as
Niraj Kumar Yadav and Sawan Kumar (petitioner). It is
alleged that on search of the pick up van, a total 550 litres
of contraband codeine containing Corex Cough Syrup was
recovered from the said vehicle and accordingly the seizure



list was prepared.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the said vehicle belongs to one Shankar Yadav and Niraj Kumar Yadav is the driver of the vehicle. From the seizure list, it appears that the said seized contraband codeine containing Cough Syrup were recovered from the possession of the said Niraj Kumar Yadav. It is submitted that nothing has been mentioned in the seizure list which was recovered from the possession of the petitioner. It is submitted that nothing has been recovered from the possession of the petitioner rather the said contraband cough syrup has been recovered from the said Niraj Kumar Yadav. It is also submitted that there is non-compliance of Sections 42(2) and 50 of the N.D.P.S. Act. The witnesses of the seizure list are the members of the raiding team and no recovery is being made and the same is violation of Section 100 of the Cr.P.C.. It is further submitted that the petitioner has no concern with the said vehicle or with the owner of the said vehicle. The petitioner is resident of Katihar and on the date of incident, he got lift



for coming to Purnea and falsely implicated in the incident. Lastly, it has been submitted that the petitioner is in custody since 04.08.2024, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (N.D.P.S. Act), Purnea in connection with Jalalgarh P.S. Case No. 110 of 2024.

(Khatim Reza, J)

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