

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5374 of 2025

Arising Out of PS. Case No.-21 Year-2023 Thana- BIRPUR District- Supaul

=====

ARVIND KUMAR YADAV S/O SATYA NARAYAN YADAV R/O Vill.-
BALARDAH, P.S.- FATEHPUR CHOUKI, DISTRICT- SAPTARI, NEPAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 21 of 2023 dated 18.01.2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and later on charge-sheet has been submitted under Section 22(c) of the Narcotic Drugs and Psychotropic Substance Act.

3. As per the prosecution case, total 216 tablets of contraband drug Spasmo-Proxyvon Plus were recovered from the petitioner.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. It is further submitted that the said medicine Spasmo Proxyvon T Plus contains the following composition i.e., Dicyclomine (10 mg) + Paracetamol (325 mg) + Tramadol (50 mg), even though Tramadol falls under the purview of NDPS Act (S.No. 238 2H of NDPS Act) of which small quantity is 5 gm and commercial quantity is 250 gm and the total recovered quantity of the said medicine in the present case contains 83.16 gm of the said composition which is less than the commercial quantity. Learned counsel for the petitioner has also placed reliance on the judgment in the case of *Hira Singh and Anr. Vs. Union of India and Anr*, (2020)20 Supreme Court Cases 272 of Hon'ble Apex Court has held that "weight of entire materials/mixture along with neutral material is to be considered for ascertainment of whether the quantity is "small quantity" or "commercial quantity". The name of the petitioner has transpired in this case merely on suspicion. The petitioner has no concern with the alleged recovery. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The petitioner is in custody since 19.01.2023.



5. Learned A.P.P. for the State has opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Supaul in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 21 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

shivam/-

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

