

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6219 of 2025**

Arising Out of PS. Case No.-69 Year-2024 Thana- KUWARI District- Araria

Shankar Mandal Son of Parsan Mandal Vill- Rangeli Ps -RANGELI Distt  
-MORANG Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate  
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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

ORAL ORDER

2      13-02-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Kuwari  
P.S. Case No. 69 of 2024, instituted for the offences punishable  
under Sections 21, 22, 23 and 25 of the NDPS Act.

3. Prosecution allegation, in short, is that there is  
recovery of total 26.5 liters of codeine cough syrup in this case.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. Learned counsel for  
the petitioner also submits that the petitioner has got no concern  
with the alleged recovery of codeine cough syrup. The alleged



recovery has been made from bamboo clamp which is an open place and easily accessible to public at large. It is further submitted that the alleged cough syrup contains 52.1 gram of codeine. 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 16.10.2024 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 Kuwari P.S. Case No. 69 of 2024.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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