

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11720 of 2025

Arising Out of PS. Case No.-450 Year-2024 Thana- SAUR BAZAR District- Saharsa

Suman Kumar @ Sanoj Kumar Son of Deepnarayan Yadav Resident of
Village- Bakas Mandal Tola, Chandour, P.S.- Sour Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Raj

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 07-04-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Sour Bazar Police Station Case No. 450 of 2024, dated 16.08.2024, disclosing offences punishable under Sections 8/20(b) (ii) (a) of the Narcotic Drugs and Psychotropic Substances Act, 1985, and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that on 16.08.2024, the police got a secret information that the petitioner was selling ganja and corax. Upon this information, the police came at the place of occurrence and upon seeing the police, one person started fleeing away leaving the motorcycle and succeeded in the same.



The police recovered 515 gms. of ganja from the motorcycle and 12 bottles of Wiscodin cough syrup of 100 ml. each, having 1.2 litres from a field situated near the house of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of secret information and disclosure of his name by the local persons. He further submits that the motorcycle was parked in front of the house of the petitioner and the same does not belong to the petitioner. The recovery was not made from the conscious possession and/or from the vehicle owned by the petitioner. Insofar as Wiscodin cough syrup is concerned, learned Counsel submits that it was recovered from an open field and the quantity of codeine in the cough syrup was very small inasmuch as 100 ml. of cough syrup contains 10 mg. of codeine and out of 1.2 litres of cough syrup, the quantity of codeine would be 120 mg, which is equivalent to 0.12 gm, which is less than the small quantity. He also submits that the recovered ganja was less than the small quantity and the petitioner is not having any criminal antecedent of similar nature of offence.



5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the nature of allegation and that the police, on the basis of secret information reached near the house of the petitioner and recovered contraband material from the motorcycle parked near his house and the field situated near the house of the petitioner and further the petitioner is having criminal antecedent under the provisions of the Bihar Prohibition and Excise Act, 2016 and other sections of the Indian Penal Code, I am not inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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