

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14232 of 2025

Arising Out of PS. Case No.-340 Year-2024 Thana- CHAUTHAM District- Khagaria

Ravi Bharti @ Ravi Kumar S/O Baudhu Singh Resident of Village-
Sonbarsha, P.S- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Singh, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 19-03-2025

1. Heard learned counsel for the parties.

2. A prayer for bail has been made on behalf of the petitioner in connection with Special Case (NDPS) No.29 of 2024 arising out of Chautham P.S. Case No.340 of 2024 registered for the offence under section 21(c) of the NDPS Act.

3. As per prosecution case, the informant states that on a secret information having been received on 23.11.2024 about an illegal business of codeine syrup is going on in a hut situated behind Sardar Line Hotel of village Sonbarsa. The police personnel went to the alleged place and upon seeing them one person tried to make an escape who was apprehended. The person apprehended disclosed his name to be Ravi Kumar, the present petitioner and recovery of 110 bottles (total 11 litres) of codein syrup is said to have been recovered from the hut.



4. It is submitted by learned counsel for the petitioner that the recovery has not been made from his physical or conscious possession of the petitioner and the same has been recovered from a hut. He also states about violation of the provisions of the NDPS Act. It is also noticed that charge-sheet has already been submitted in the case, however, the same is without any chemical or F.S.L report. So far as the quantity of recovery is concerned, it seems that the F.I.R and the order rejecting bail passed by the learned Court below, both have considered 11 litres of codein and hence have stated the same to be one of commercial quantity. However, it is not the quantity of the cough syrup that has to be considered rather it is the content of codeine present in the cough syrup which has to be taken into consideration and considering the total codeine content coming to about 22,000 mg., which is actually 2.20 grams of codeine phosphate, it is actually a small quantity since, as per the schedule, the small quantity of codeine is 10 grams and commercial quantity is 1,000 grams. The petitioner is in custody since 25.11.2024.

5. The application for bail is opposed by learned APP for the State.



6.Taking into consideration the fact that the recovery of codein is of small quantity, the petitioner is directed to be enlarged on bail in connection with Special Case (NDPS) No.29 of 2024 arising out of Chautham P.S. Case No.340 of 2024 on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum-Special Judge, NDPS, Khagaria subject to the following conditions:-

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall cooperate in the investigation and shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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