

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11658 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- SONBERSA District- Sitamarhi

Vinod Kumar @ Vinod Sah Son of Yogendra Sah Resident Of Village-
Malangawa, Ward No 10, PS -Malangawa, Dist- Sarlahi, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11903 of 2025

Arising Out of PS. Case No.-404 Year-2024 Thana- SONBERSA District- Sitamarhi

Prahlad Kumar @ Prahlad Baitha Son of Ravindra Baitha Resident Of Village
-Ramnagra Ward No 13, Ps -Kanhauli, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11658 of 2025)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 11903 of 2025)

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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

ORAL ORDER

4 27-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seeks bail in connection with
Sonbarsa P.S. Case No. 404 of 2024, instituted for the offences
punishable under Section 21(b) of the NDPS Act.



3. Prosecution allegation, in short, is that there is recovery of 40 bottles of Codedyl-T cough syrup each containing 100 ml from the bags which were thrown by the petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the alleged recovery of cough syrup was made from bags which do not belong to the petitioners. It is next submitted that the amount of codeine present in the recovered contraband is 0.40 gram. The recovered contraband is below the small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioners are in custody since 16.12.2024. Petitioner in Cr. Misc. No. 11658 of 2025 bears one criminal antecedent in which he is on bail and petitioner in Cr. Misc. No. 11903 of 2025 bears no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 24.03.2025 passed in Cr. Misc. No. 17580 of 2025.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the small quantity and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbarsa P.S. Case No. 404 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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