

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12574 of 2025

Arising Out of PS. Case No.-362 Year-2024 Thana- BIHPUR District- Bhagalpur

Nitish Kumar S/O Prem Kumar Mandal R/O Kagi Kouraiya, P.S.- Kharik
Bazar, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

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

ORAL ORDER

2 04-03-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bihpur
PS Case No. 362 of 2024 instituted for the offences under
Sections 21(a) & 22(a) of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 7 bottles of Biscuf Cough Syrup containing
phosphate and Triprolidine HCL Syrup, 100 mL each from the
possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



further submits petitioner has no concern with the recovered contraband. Learned counsel for the petitioner submits that the total quantity of codeine in 7 bottles consists 0.7 gram, which is much less than small quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 27-12-2024 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, recovery below small 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 Bihpur PS Case No. 362 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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