

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20012 of 2025

Arising Out of PS. Case No.-248 Year-2024 Thana- KISHANPUR District- Supaul

Md. Akbar S/O Md. Ishak Miya @ Ishak Miya R/O Village- Kariaut (Bantol),
P.S- Laukahi, Distt.- Madhubani. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Kishanpur
P.S. Case No. 248/2024, registered for the offence under Sections
21(C), 25 of the NDPS Act, 1985 and 317(2) of BNS, 2023.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 25.09.2024.

4. As per FIR, petitioner was found in possession of
2.400 litres of cough syrup having one of the composition
“**codeine**”, which falls under category of Narcotic Drugs and
Psychotropic Substances as per NDPS Act, 1985.

5. Learned counsel appearing on behalf of the petitioner
submitted that the cough syrup was manufactured by leading
pharmaceutical company and the prescribed amount of “**codeine**”
was one of its composition. It is submitted that the petitioner was



not aware about the composition of cough syrup and, therefore, it cannot be said that he was in possession of any Narcotic substances, as same was purchased under the impression of cough syrup by the petitioner. It is pointed out that in present matter the charge-sheet was submitted incomplete without obtaining FSL report and, therefore, on this ground alone the petitioner deserves bail. In support of his submission, learned counsel relied upon one of the order passed by Hon'ble Supreme Court as available through ***Divyas Bardewa Vs. Narcotics Control Bureau***, reported in ***2023 SCC OnLine SC 742***.

6. Arguing further, it is submitted that the sampling, sealing and search (SSS) of alleged narcotic substance also appears doubtful in this matter and same not appears complied in its true spirit, as provisioned under NDPS Act.

7. Learned APP opposed the prayer of bail.

8. Considering the aforesaid factual submissions and by taking note of fact as the charge-sheet in this matter in terms of report of learned trial court appears submitted incomplete without obtaining FSL report, accordingly considering the observation of Hon'ble Supreme Court in ***Divyas Bardewa' case (supra)***, petitioner above named, who remains in custody since 25.09.2024, is directed to be released on bail in connection with



Kishanpur P.S. Case No. 248/2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS, Supaul/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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