

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16179 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- BANMANKHI District- Purnia

Nishant Kumar S/o Shantosh Kumar Tiwari Resident of mohalla- Bus Stand
Banmankhi, P.S.- Banmankhi, Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

2 21-03-2025 Heard Mr. Vijay Bardhan Pandey, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned APP for the
State.

2. The petitioner seeks bail in connection with
Banmakhi P.S. Case No. 23 of 2025 instituted for the offences
under Sections 8(c), 21(c), 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 7.5 litres
Wiscof cough Syrup has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 15.01.2025 and has no criminal
antecedent. There is no allegation of tampering of witnesses
alleged against the petitioner. No incriminating material has
been recovered from the conscious possession of the petitioner.



The recovered contraband is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. 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 and submitted that in the recovered Wiscof cough syrup, the amount of codeine present is less than the commercial quantity as per the NDPS Act.

6. Considering the aforesaid facts and circumstances of the case, contraband being less than commercial quantity as also 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 Banmakhi P.S. Case No. 23 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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