

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26691 of 2025**

Arising Out of PS. Case No.-200 Year-2024 Thana- RAXAUL District- East Champaran

Om Prakash Gupta, aged about 30 years (M), S/O Kaushal Kishor @ Rakesh Sharraf @ Kaushal Kishor Sharraf, R/O Machhli Bazar Raxaul, P.S.- Raxaul, Dist.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : M/S. Abhishek Kumar and Hemant Ray,  
Advocates

For the Opposite Party : Mr. Anil Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      29-04-2025                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Raxaul (Haraiya) P.S. Case No. 200 of 2024 dated 09.06.2024 registered for the offences punishable under Section 414 of the I.P.C. and Sections 21 (c), 23(c) and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 36 litres *onerex cough syrup* kept in a sack was recovered from the motorcycle which was being driven by the co-accused Rohit Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner was not arrested on the spot. It is



further submitted that the name of the petitioner has surfaced in the present case on the basis of the confessional statement of the co-accused Rohit Kumar which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from his possession. It is further submitted that except the confessional statement of the co-accused Rohit Kumar, there is no other substantive evidence to suggest the implication of the petitioner in the present case. The petitioner is neither the owner of the seized motorcycle nor he has any concern with seized cough syrup. There is no statutory compliance of Sections 42 and 50(1) of the N.D.P.S. Act. There is also no statutory compliance of Section 100(4) of the Cr.P.C. It is further submitted that the other co-accused Md. Rizwan Alam @ Md. Rezwan has already been granted bail by a Bench of this Court vide Cr. Misc. No. 85503 of 2024 under order dated 09.01.2025, annexed as Annexure-3 to the present bail petition. The petitioner has one criminal antecedent which is of similar nature in which he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 25.03.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has further submitted that the co-accused Rohit Kumar has disclosed that



this petitioner Om Prakash Gupta, the co-accused Md. Iqbal Alam, Md. Rizwan Alam, Akhilesh Gupta are indulged in illegal business of intoxicant medicines and they had given the recovered intoxicant cough syrup to him who is their carrier.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari in connection with Raxaul (Haraiya) P.S. Case No. 200 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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