

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18318 of 2025**

Arising Out of PS. Case No.-250 Year-2024 Thana- BIRPUR District- Supaul

Pappu Kumar @ Pappu Kr. Ram, Son of Ganga Ram, Resident of village-
Ranipatti, Ward No. 01, P.S.- Birpur, District Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 01-09-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Birpur P.S. Case No.250 of 2024 registered for the offences punishable under Sections 21(b), 22(b), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act').

3. The accused/petitioner is named in the FIR and is in custody since 07.08.2024.

4. Allegation against the petitioner is to have in possession of 5 liters of Eskuf (50 bottles of each contains 100 ml.), where one of the composition is "Codeine Phosphate"



where “codeine” is one of the narcotic substance prohibited under NDPS Act, 1985 and also in possession of 1000 pieces of Tramadol Hydrochloride capsules.

5. It is submitted by learned counsel appearing for petitioner that petitioner was the pillion rider and he out of personal emergency took a lift for a local destination, but in meantime he was apprehended by police. It is submitted that nothing transpired during investigation, which may suggest that petitioner was under knowledge that the bag which was carrying by driver of the motorcycle was consisting of cough syrup or the capsules. It is submitted that the cough syrup was manufactured by reputed pharmaceutical company under valid license and, therefore, the petitioner cannot be held responsible. It is submitted that for illegal possession of approved drug without licence, it is a maximum case under Drugs and Cosmetics Act. It is submitted that taking note of over all circumstances, this is not a case where rigors of Section 37 of the NDPS Act can be imported. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover



petitioner is a man of clean antecedent.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as recovery admittedly *prima facie* not appears to be made from the physical possession of the petitioner, coupled with the fact that investigation of this case is already completed, where petitioner, who is man of clean antecedent, remains in custody since 08.07.2024, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (NDPS), Supaul in connection with Birpur P.S. Case No.250 of 2024, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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