

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20551 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- Babarganj District- Bhagalpur

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Birbal Mandal Son of Nemani Mandal Resident of Village- Digri Pahari Faga
P.S.- Badhuwa Kurewa District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this present case, the petitioner seeks bail in connection with Babarganj P.S. Case No. 06 of 2025 registered on 12.01.2025 for the offences under Sections 21 and 22 of the N.D.P.S. Act, 1985.

3. As per prosecution case, on a tip off, the petitioner coming on a motorcycle was signaled to stop and from the backpack of the petitioner, recovery of 46 bottles of Cough Linctus RJT SCEN syrup each containing of 125 mg was recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From bare reading of the FIR, it



is clear that the police has not mentioned about any contraband being seized from the petitioner. Even the seizure memo just mentions the name of cough syrup. It is nowhere made clear that the seized cough syrup contained any prohibited substance or narcotic drug. Learned counsel further submits that for the sake of argument, it is taken that the seized cough syrup contained codeine, 10 grams is small quantity and 1 Kg is commercial quantity and recovery was shown 5.750 mg cough syrup which equals to 5.75 gram and, hence, even on this count, the quantity is less than the small quantity. Learned counsel further submits that petitioner is having clean antecedent and he has never been involved in transporting, manufacturing and selling of either cough syrup or any other Narcotic Drugs and Psychotropic Substance. Petitioner is in custody since 13.01.2025 and charge-sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and also considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner



above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur/concerned court in connection with Babarganj P.S. Case No. 06 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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