

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22543 of 2025

Arising Out of PS. Case No.-578 Year-2024 Thana- SAUR BAZAR District- Saharsa

Santosh Kumar S/o Ram Bahadur Yadav Resident of Village- Bhabtiya, P.S.-
Saur Bazar, Distt.- Saharsa

... .. Petitioner/s
Versus
The State of Bihar

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Subesh Sharma, Advocate
For the Opposite Party/s : Mrs. Shaheen Begum, APP

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

ORAL ORDER

2 15-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saur
Bazar P.S. Case No. 578 of 2024, instituted for the offences
punishable under Sections 30(a) and 41 of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that, 220 liters
cough syrup was recovered from Scorpio car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of cough syrup. Learned counsel for the petitioner also submits that the petitioner was not present at the place of occurrence. Name of the petitioner has transpired in this case on the basis of confession made by co-accused, namely, Md. Jawed and the same has got no evidentiary value. It is next submitted that the petitioner has got no concern with the vehicle in question. It is further submitted that even as per NDPS Act, total quantity of recovered codeine in the alleged contraband is 440 gram and the same is below the commercial quantity. The petitioner is in custody since 28.02.2025 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner and the recovered contraband being below the commercial quantity, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Saur Bazar P.S.
Case No. 578 of 2024.

Rajorshi/-

(Rudra Prakash Mishra, J)

U		T	
---	--	---	--

