

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25262 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- R S P.S. District- Araria

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Mojmil @ Mujmil S/o- Samid Resident of Village- Rupauli Ward No 6 PS-
RS District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Prasad, Adv

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-07-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Arariya R.S. P.S. Case No. 07 of 2025 registered for the

offences under Sections 21, 22 and 23 of the N.D.P.S. Act.

3. The petitioner is named in the F.I.R. and is in

custody since 13.01.2025.

4. The allegation against the petitioner is to have in

possession of 3.5 litres of cough syrup having one of the

constituent as “codeine”, which is a psychotropic substance

and falls under the category of prohibited drug under NDPS

Act, 1985.



5. Learned counsel appearing on behalf of the petitioner submitted that present implication under the NDPS Act is for the reason as recovery of cough syrup having one of its composition as “codeine”, which appears made without compliance of mandatory provisions of NDPS Act, as it is apparent from the investigation as well as from the FIR, itself. It is submitted that maximum constituent of “codeine” is 1.24 grams in seized 3.5 litres of cough syrup, which is prohibited composition of cough syrup, generally used for cold and cough. It is pointed out that from the seizure list it cannot be gathered that recovery of cough syrup was made from the conscious physical possession of this petitioner, who is a man of clean antecedent. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of nature of accusations



qua possessing psychotropic substance, where prima-facie compliance of mandatory provisions of NDPS Act not appears followed, coupled with the fact as petitioner is in custody since 13.01.2025, accordingly above named petitioner, is directed to be released on bail in connection with Arariya R.S. P.S. Case No. 07 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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