

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26461 of 2025

Arising Out of PS. Case No.-135 Year-2024 Thana- KANHauli District- Sitamarhi

Mukesh Kumar S/O Late Upendra Mahto R/O Village- Ramnagara, Ward No.
10, P.S- Kanhauli, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Kanhauli P.S. case No. 135 of 2024 instituted for the offences
under Sections 21(C) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
2.100 litrs of Codedyl-T cough Syrup from the possession of the
two apprehended persons including the present petitioner.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case merely
on the basis of suspicion. Petitioner is in custody since
10.10.2024 and has five criminal antecedents but, in all of them,
he is on bail. There is no allegation of tampering of witnesses



alleged against the petitioner. He further submits that the petitioner is not the owner of the bag from which the banded cough syrup was recovered. Nothing incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery of Codedyl-T cough syrup. It is further submitted that the alleged cough syrup contains 4.01 gm of codeine. The recovered contraband is below commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned counsel for the petitioner again submits that the co-accused namely Sogarath Das @ Somnath Das @ Sogasth Das has been granted bail by this Court vide order dated 27.01.2025 passed in Cr. Misc. No. 2600 of 2025.

5. Learned A.P.P. 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 and the period of custody undergone by the petitioner as also the prayer for bail being based on parity, 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/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Kanhauli P.S. case No. 135 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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