

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23635 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- BARARI District- Bhagalpur

1. Bikash Kumar Chaudhary S/O Madan Choudhary R/O Village- Mayaganj Mushari Tola, Ward No. 27, P.S- Barari, Distt.- Bhagalpur.
2. Nitin Kumar @ Bholu S/O Navin Mandal R/O Village- Tilkamanjhi Hatia Road, Near Durga Asthan, P.S- Tilkamanjhi, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Barari
P.S. Case No. 21 of 2025 dated 19.01.2025, instituted for the
offence punishable under Sections 21(c), 22(c), 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The allegation is of recovery of 44 bottles Codine
Phosphate & Triprolidine HCL syrup and 70 tablets of
Netrazepam IP-10 mg Nitacure-10 from the bag carried by
petitioner no. 1 and a mobile phone from the conscious
possession of petitioner no. 2.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that 44 bottles each of 100 ml Codine Phosphate & Triprolidine HCL syrup has been recovered from the possession of petitioner no. 1 which contain only 5 gm per bottle of Psychotropic substance which comes to total 220 gm Psychotropic substance i.e, much less than commercial quantity which is 1 kg. It is next submitted that so far 70 tablets of Netrazepam is concerned, it is submitted that only 1 gm of Psychotropic substance is being used for manufacturing of 100 Netrazepam tablets and as such altogether 0.7 gm Psychotropic substance has been recovered and as per Entry No. 221 of Schedule, 20 gm of Netrazepam is considered as small quantity and 500 gm of Netrazepam is considered as commercial quantity and as such both the recovered substance is much lesser than prescribed small quantity. It is also submitted that nothing has been recovered from the conscious possession of petitioner no. 2. Lastly, it has been submitted that the petitioners are in custody since 20.01.2025. Petitioner no. 1 has two criminal cases against him and petitioner no. 2 has one criminal case against him and charge-sheet has been submitted in the case without F.S.L. report.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhagalpur in Barari P.S. Case No. 21 of 2025 subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

Sankalp/-

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

