

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30751 of 2025**

Arising Out of PS. Case No.-37 Year-2025 Thana- SAKRI District- Madhubani

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Amit Kumar @ Rana Son of Sanjay Sah @ Sanjay Sahu Resident of Village
-Mohan Badhyam PS- Sakri District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard Learned counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Sakri P.S. Case No. 37 of 2025 lodged on 11.03.2025, for the offence punishable under Sections 8, 21(c) & 22(c) of the N.D.P.S. Act, pending in the Court of Principal Sessions Judge, Madhubani.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Total recovery of 27.5 litres of liquid syrup has been made which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel



submits that nothing has been recovered from the petitioner's possession, rather, the said recovery has been made in the form of codeine syrup from the wheat field and at the instance of police, petitioner's name has come in this case. Counsel further submits that the criminal antecedent of the petitioner is not clean as there is one case pending against him in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him which is of Excise Act. Counsel further submits that in the recent decision of Hon'ble Supreme Court of India, it is the total quantity and not the N.D.P.S. percentage which is responsible for the offence, and here in the present case, the total quantity is 27.5 litres and in gram, it shall be near about 23 and odd grams which is a commercial quantity.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the Trial Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering the ingredients of



offence of the petitioner, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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