

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45616 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- DARBHANGA District- Darbhanga

SUSHIL SAHANI @ SUSHIL KUMAR SAHANI SON OF LALBABU
SAHANI R/O- MOHALLAH- KILAGHAT, RAMBAGH, P.S.-
LAHERISARAI, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

8 21-03-2025 Heard Mr. Vinay Kumar Mishra, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned APP for the
State. Perused the case diary.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 51 of 2024 instituted for the offences under
Sections 8(c), 21(c), 29, 35 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 11 bottles of
Corcof Syrup, 116 Pyeevon tablets, 68 Alprazolam tables have
been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 05.03.2024 and has one criminal antecedent.



There is no allegation of tampering of witnesses alleged against the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. 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 A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has also filed counter-affidavit and supplementary counter-affidavit in the matter. Learned APP further submitted that he has stated in paragraph no. 8, 9 and 10 of the supplementary counter-affidavit regarding the amount of recovered contraband. Learned APP, therefore, submitted that (i) KORCOF-C syrup contains 2.2 grams of codeine which is less than the small quantity, (ii) Pyeevon Spas plus tablets equivalent to 8.6 grams which is more than the small quantity but less than commercial quantity and, (iii) Alprazolam tablets which is equivalent to 0.034 gram which is also less than the small quantity.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity as also the period of custody undergone by the petitioner, 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 Town P.S. Case No. 51 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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