

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40731 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- ADAPUR District- East Champaran

1. Babudin @ Babuddin Ali @ Babudin Ali Son of Sahabjan Miya @ Sahebjan Miya Resident of Village- Lala Chhapra, P.s.-Adapur, Distt.-East Chamdparan
2. Amiruddin @ Amiruddin Ali @ AmiruddinAlam Son of Sahabjan Miya @ Sahebjan Miya Resident of Village- Lala Chhapra, P.s.-Adapur, Distt.-East Chamdparan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 03-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Adapur P.S. Case No. 317 of 2024 NDPS GR Case No. 91 of 2024 instituted for the offences under Sections 22(c), 29 of the NDPS Act.

3. Prosecution allegation, in short, is that total 9216 capsules of Proximo spas have been recovered in this case.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. The petitioners are in custody since 24.03.2025 and have got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel further submits that petitioners were not present on the spot and as such, the recovery has not been made from their conscious possession. Learned counsel further submitted that there utter violation of Section 100(4) of the Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and also filed counter affidavit in this regard. Learned A.P.P. referring to paragraph no. 11 of the counter-affidavit submits that each PROXIMO SPAS capsule contains 50mg of Tramadol Hydrochloride IP, which is a prohibited substance mentioned at Sl. No. 110Y of the Schedule of the NDPS Act and the commercial quantity of the same is defined as 250 grams in the said Act. He further contends that total amount of Tramadol present in the 9216 capsules is equivalent to 460.8 grams which is more than the commercial quantity. He further contends that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act.



6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

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