

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43647 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- BIRPUR District- Supaul

Om Prakash Paswan Son of Kishori Paswan Resident of Village- Bela Ward
No. 04, P.S.- Basmatiya, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prabhat, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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

ORAL ORDER

3 15-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Birpur
P.S. case No. 20 of 2025 instituted for the offences under
Sections 22(C)/25/29 of the N.D.P.S. Act.

3. As per prosecution case, the police intercepted a
motorcycle. On seeing the police-party, the motorcycle rider
managed to run away from there but, the pillion rider namely
Om Prakash Paswan (the petitioner) was apprehended along
with a carton. On search, total 29700 capsules of Tramadol
Hydrochloride were recovered..

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the



present case merely on the basis of suspicion. The petitioner has no concern with the alleged recovery of the contraband or the seized motorcycle. Petitioner is in custody since 18.01.2025 and has no criminal antecedent. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is not the motorcycle driver rather he is the pillion rider. Learned counsel for the petitioner further submits that the charge-sheet has been submitted without enclosing the F.S.L. report and, thus, the same is incomplete charge-sheet. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the State has filed counter affidavit wherein in Para 10, it has been stated that Tramadol is prohibited psychotropic substance as mentioned at Sl. No. 110Y of the Schedule of the N.D.P.S. Act. It has further been stated that the total amount of Tramadol Hydrochloride as found in the said 29,700 capsules are 50 mg multiplied by 29,700 i.e. $29,700 \times 50$ mg equals 1,485,000 mg i.e. 1485 grams (1.485 Kg) which is much higher than the commercial quantity and, 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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