

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56426 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- JITNA District- East Champaran

Surendra Prasad @ Surendra Prasad Jaiswal S/o- Late Gopal Prasad @ Late Gopal Prasad Jaiswal R/o- Purnahiya Kothi, Ward No - 6, Ghorasaran, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

4 31-10-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrested in connection with Jitna P.S. case No. 05 of 2025 instituted for the offences under Sections 21(c), 22, 25, 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 296 pieces of Noophin Injection (2 ml each), 297 pieces of Phenargan Injection (2 ml each), 297 pieces of Diazepam Injection (2 ml each) from the possession of the co-accused Vikash Kumar Yadav.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case due to oblique and ulterior motive. He further submits that nothing incriminating has been recovered from the conscious possession



of the petitioner. Learned counsel for the petitioner further submits that the petitioner is a businessman who deals in Pharmaceutical/Medicine having valid License bearing License No. BR-CPE-203551 under Form 20B to sell, stock or exhibit (or offer) for sale or distribute by wholesale, drug and father of the petitioner is Proprietor of Satyam Enterprises and the said License is valid from 03 July, 2024 to 02 July, 2029. The petitioner also having another valid License bearing License No. Br-CPE-203552 under Form 21B (See Rule-61(2) to sell, stock or exhibit (or offer) for sale or distribute by wholesale, drugs and father of the petitioner is Proprietor of Satyam Enterprises and the same is valid from 03 July, 2024 to 02 July, 2029. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the disclosures made by the co-accused Vikash Kumar Yadav who was apprehended at the place of occurrence. Learned counsel for the petitioner further submits that the police raided the house of the petitioner in the mid night that too in absence of the petitioner with an ulterior motive to implicate the entire family in the false prosecution by planting those medicines. The petitioner was not present at the place of occurrence and was also not apprehended on the spot rather the entire search and seizure has been made behind the back of the



petitioner with an ulterior motive. He further submits that there is delay of two days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. Except confessional statement of the co-accused, there is nothing adverse against the petitioner in the entire record of the case. The petitioner has no criminal antecedent. The petitioner has no concern with the alleged recovered bag and medicine. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also no compliance of Section 103 of the B.N.S.S., 2023.

5. Learned counsel for the petitioner further submits that the co-accused Sanju Jaiswal @ Sanju Jayasaval has already been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 19624 of 2025. Co-accused Satyam Jaiswal @ Satya Jaiswal has also been granted bail by this Court vide order dated 02.09.2025 passed in Cr. Misc. No. 19261 of 2025. Co-accused Vikash Kumar Yadav has also been granted bail by this Court vide order dated 10.10.2025 passed in Cr. Misc. No. 36858 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature. He further submits that



the name of the petitioner has come in the confessional statement of the apprehended co-accused Vikash Kumar Yadav of being involved in the sale of prohibited psychotropic substance which is dangerous and injurious to the society as a whole and, thus, the petitioner does not deserve privilege of anticipatory bail.

7. Having heard learned counsel for the parties and taking into account the entire facts and circumstances of the case as also considering the nature of accusation made against the petitioner of being engaged in the sale of prohibited psychotropic substance, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. This is a fit case for regular bail.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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