

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48715 of 2025

Arising Out of PS. Case No.-7 Year-2024 Thana- BACHHWARA District- Begusarai

Anil Kumar Anupam @ Anil Kumar Ram Bharat Mahto Resident of Village-
Rampur, Jalalpur, P.S.- Dalsinghsarai, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Narcotic Control Bureau, Patna Zonal Unit,
Patna BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

ORAL ORDER

4 15-10-2025 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with NDPS

Case No. 03 of 2024 arising out of Bachhwara P.S. case No.

07 of 2024 instituted for the offences under Sections 21(a),

21(c) and 21(b) of the Narcotic Drugs and Psychotropic

Substance Act, 1985.

3. As per prosecution case, the police has recovered

220 bottles of banned syrup (Codeine Phosphate and

Triprolidine Hydrochloride – Wiscof 100 ml) and four packs

(each containing 50 tablets) of Nitrazepam tablets I.P.



(Nitzascan 10 mg) from the bag thrown by the petitioner while fleeing away on a motorcycle. The police has also recovered 09 bottles of banned cough syrup (Codeine Phosphate and Triprolidine Hydrochloride – Wiscof 100 ml) from the possession of co-accused Vikash Kumar.

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. The petitioner was not apprehended on the spot and his name has transpired on the basis of the confessional statement of the co-accused Vikash Kumar recorded before the police which has no evidentiary value in the eye of law. He further submits that the alleged contraband has been recovered from the open place which is accessible to one and all. Charge-sheet has been submitted in this case. Petitioner is in custody since 25.04.2025 and has two criminal antecedents. 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.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner as also taking into account that nothing contraband has been recovered from the conscious possession of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 03 of 2024 arising out of Bachhwara P.S. case No. 07 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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