

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51926 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- Bhelahi District- East Champaran

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Rajnikant Gupta @ Rajnikant Kumar Son of Late Gauri Shankar Prasad R/o
Vill.- Bhelahi, P.S.- Bhelahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balgovind Sharma, Adv

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Bhelahi
P.S. Case No. 41 of 2025 registered for the offence under
Sections 21(b), 23(b) and 24 of the NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody
since 11.04.2025.

4. The allegation against the petitioner is to have in
possession of Onrex Cough Syrup 100 ml each, Workhardt
Spasmo Proxyvon Plun Cap 300 pieces, Nitrusum-10 72 tablets
and Nitrazepam tablet 36 pieces from his medical shop.

5. Learned counsel appearing on behalf of the petitioner
submitted that petitioner was running his medical shop under valid
license and, therefore, having such medicines in possession cannot
be viewed with doubt as to indulge in any illegal activities. It is
submitted that the fact of this case suggest that it is a fit case to



initiate a prosecution by way of complaint under Drugs and Cosmetics Act, 1940, where FIR is not maintainable. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as petitioner prima-facie appears valid licence holder of the medical shop, coupled with fact as investigation of this case already completed, where petitioner remains in custody since 11.04.2025, accordingly petitioner above named, is directed to be released on bail in connection with Bhelahi P.S. Case No. 41 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, East Champaran, Motihari/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

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