

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48665 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- RAXAUL District- East Champaran

Manoj Kumar @ Manoj Gupta S/o Late Dayashankar Prasad R/o Village-
Kali Mandir Raxaul, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

5 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 Raxaul
P.S. case No. 151 of 2025 instituted for the offences under
Sections 22(b), 25 and 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
Tramadus capsule 6600 pieces, Sampex Capsule 864 pieces,
Trarem 100-240 pieces, Nitrovet-10 600 tablets, Onrex Syrup 6
pieces of 100 ml each, 5 empty bottles of Blendep Reserve
Whisky, Betzeare-10 100 tablets i.e. intoxicant medicines and
syrup from the house of father-in-law of the co-accused Ravi
Kumar Gupta.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case due to oblique and ulterior motive. Charge-sheet has been submitted in this case. Petitioner is in custody since 13.05.2025 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. Even the petitioner was not seen at the place of occurrence. The name of the petitioner has transpired in this case on the basis of the confessional statement of the co-accused Ravi Kumar Gupta recorded before the police which has got no evidentiary value in the eye of law. 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.

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, stating therein that total 8604 tablets/capsules containing Codeine Phosphate were recovered from the possession of the co-accused. It is further stated that when the total weight of the seized tablets is considered in entirety, the seized quantity clearly exceeds the limit of small quantity and falls within the category of commercial quantity as defined in the NDPS Act and the



relevant notification. It is further stated that in the present case, neither of the conditions under Section 37 of the N.D.P.S. Act stand satisfied and considering the nature of the offence, seriousness of allegations and recovery of contraband in commercial quantity, the petitioner does not deserve indulgence of bail.

6. Considering the aforesaid facts and circumstances of the case, the period of custody undergone by the petitioner as also there being no recovery of incriminating/contraband from the 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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Raxaul P.S. case No. 151 of 2025, 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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