

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50959 of 2025

Arising Out of PS. Case No.-275 Year-2025 Thana- BAHADURPUR District- Darbhanga

1. Amit Kumar Son of Ranjeet Singh Resident of Mohalla -Balbhadapur, Ps -Bahadurpur, District -Darbhanga
2. Anand Kumar Son of Neeraj Kumar @ Neeraj Kumar Mahto Resident of Mohalla -Balbhadapur, PS -Bahadurpur, District -Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the narcotic Commissioner, New Delhi bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramakant Singh, Adv.
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 14-10-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. Learned counsel for the State is directed to make necessary correction in the counter affidavit in course of the day.

3. The petitioners seek bail in connection with Bahadurpur P.S. Case No. 275 of 2025 instituted for the offences under Section 21(c) of the N.D.P.S. Act.

4. As per prosecution case, the police has recovered 2250 tablets Alprazonlam Tablets IP Anxit 0.5 kept in three packets of century paper and 3750 tablets of Aplrazonlam tablets AP Anxit 0.5 kept in another bag have been recovered



from the possession of the petitioners. As per Drug Inspector, the tablets recovered from the possession of the petitioners comes under the Narcotic drug and psychotropic substance.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating/any narcotic drugs or substance has been recovered from the conscious possession of the petitioners or from their house. The petitioners have no concern with the alleged occurrence or with the alleged recovered tablets etc. at all. It is further submitted that the petitioners have never indulged in such type of occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. The petitioners have no criminal antecedent and are languishing in judicial custody since 04.06.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged is serious in nature. Learned counsel for the State has also filed counter affidavit



stating therein that total 3750 tablets of Alprozolam contains 1875 mg of Alprozolam which is listed at sl. no. 30 of the schedule of the NDPS Act and, as per notification issued under the NDPS Act, small quantity of Alprozolam is 05 gram and commercial quantity of Alprozolam is 100 grams. Accordingly, the seized quantity of 1875 mg i.e. 1.875 grams exceeds the samll quantity but remains below the commercial quantity.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, the quantity of the contraband being below the commercial quantity as also the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bahadurpur P.S. Case No. 275 of 2025, subject to the following conditions;

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

(ii) The petitioners 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, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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