

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50126 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- KATIHAR NAGAR District- Katihar

Kapil Deo Sah son of Prahlad Sah village- Tingachhiya, PS- Katihar, Distt-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Adv

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Katihar

Nagar P.S. Case No. 81 of 2025 registered for the offences under

Sections 8(c), 21(c), 22(c), 25 and 29 of the N.D.P.S. Act.

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

since 07.05.2025.

4. As per case of prosecution total of 299.32 grams of

smack was recovered from the possession of different co-accused

persons along with 1189 liters of Wiscof Syrup having one of the

constituent as “codeine”.

5. Learned counsel appearing on behalf of the petitioner

submitted that 92.80 grams of smack was recovered from the co-



accused Munna Kumar, whereas rest 206.52 grams of smack was recovered from Tata Indica Car bearing reg. no. BR 11 R 9351, which was in possession of another co-accused namely Parvindra Singh. It is pointed out that said co-accused Munna Kumar @ Munna Kumar Yadav has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 22374 of 2025 vide order dated 01.09.2025. It is submitted that on the basis of disclosure of these two apprehended co-accused persons the name of this petitioner transpired with the present case, who is the owner of the M/s. Maa Kali Drug Agency. It is pointed out that petitioner's firm is authorized to receive the consignment of Wiscof Syrup being a drug agency and nothing is wrong in that. It is submitted that admittedly no smack was recovered from possession or from the godown of this petitioner, therefore, nothing incriminating appears against this petitioner. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed aforesaid factual submission.



7. In view of aforesaid factual submission and by taking note of fact as **Wiscof Syrup** was found in the godown of petitioner prima-facie for the reason that he is the owner of the M/s. Maa Kali Drug Agency, where admittedly no contraband like smack as alleged was recovered from his possession and it appears that prima-facie save and except disclosure made by apprehended co-accused nothing incriminating appears against this petitioner, coupled with the fact as petitioner remains in custody since 07.05.2025, accordingly above named petitioner, is directed to be released on bail in connection with Katihar Nagar P.S. Case No. 81 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 Court of Sessions Judge, Katihar/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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