

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51922 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- Excise P.S. District- Buxar

Sonu Kumar @ Sandip @ Sandip Kumar @ Sonu S/o Din Dayal @ Dindayal
Bind Resident of Shriganj @ Nandganj, P.S.- Nandganj, District- Ghazipur,
Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipul Sinha, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Buxar
Excise P.S. Case No. 138 of 2025 registered for the offence
under Sections 8(C), 21(C), 25 and 27 of NDPS Act.

3. The petitioner is named in the F.I.R. and is in
custody since 04.04.2025.

4. As per FIR, petitioner being driver found carrying
1200 liters of “Phensedyl Cough Syrup” where one of the
composition is “codeine phosphate” which is a psychotropic
substance.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was the driver of the truck



and nothing transpired during investigation which may suggest that he was under knowledge of carrying such consignment. It is submitted that in want of knowledge of carrying consignment it can be safely said that he was not under culpable mental state in view of Section 35 of NDPS Act and therefore rigors of Section 37 of the NDPS Act not appears applicable in present case. It is also submitted that even FSL report is silent regarding quantity of codeine. It is also pointed out that the seizure list appears to be supported by Bihar Home Guard personnel, who cannot be said independent witnesses. 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 is driver where recovery is also not appears supported by independent witnesses, coupled with fact that investigation of this case already



completed where petitioner remains in custody since 04.04.2025, accordingly petitioner above named, is directed to be released on bail in connection with Buxar Excise P.S. Case No. 138 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 Special Judge NDPS Act, Buxar /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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