

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54200 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- SHAMBHUGANJ District- Banka

Pappu Singh S/o Late Maharaja Prasad Singh R/o Village- Gulni Kushha,
P.S.- Shambhuganj, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 54973 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- SHAMBHUGANJ District- Banka

Bablu Kumar Singh S/o Pappu Singh R/o Village- Gulni Kushaha, P.S.-
Shambhuganj, Distt- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 54200 of 2025)
For the Petitioner/s : Mr. Raj Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Nand Kishore Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 54973 of 2025)
For the Petitioner/s : Mr. Raj Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 428-11-2025Both the abovementioned cases are being taken up together as they arise from a common P.S. Case No. 111 of 2025.
2. Heard learned counsel for the petitioners and learned A.P.P. for the State.
3. In the present case, the petitioners seeks bail in

connection with Shambhu Ganj P.S. Case No. 111 of 2025, registered for the offences under Sections 21(c), 22(c)/25 of the NDPS Act.

3. The allegation in the first information report based upon the statement of police official is that 100 bottles containing 100 ml each of cough syrup (Codeine Phosphate & Triprolidine HCL Syrup) was recovered from the house of the petitioners during the raid and accordingly seizure list and arrest memo was prepared.

4. Learned senior counsel for the petitioners submits that the total recovery of the cough syrup containing codeine phosphate as one of its content is about 10 litres and as a matter of fact the alleged recovery was not made from the physical or conscious possession of the petitioner rather, the seizure list which is a part of the first information report clearly indicates that the said recovery was made from the house of Chhotu Kumar and the petitioners happened to be the father and brother of the said Chhotu Kumar who was staying separately and thus, they have no complicity in the said offence. It has also been submitted that the mandatory provisions of the search and seizure have also been violated as no independent witness of the seizure list is there and the petitioners are in custody since

04.05.2025 having no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the grant of bail.

6. Taking into consideration the facts and circumstances and also considering the fact that no recovery has been made from the physical or conscious possession of the petitioners coupled with the fact that the mandatory provisions of the search and seizure have not been complied with, the petitioners have clean antecedent, they are in custody since 04.05.2025 and the charge-sheet has been submitted, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (NDPS Act), Banka in connection with Shambhu Ganj P.S. Case No. 111 of 2025.

(Soni Shrivastava, J)

Siddharth Soni/-

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