

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54001 of 2025

Arising Out of PS. Case No.-198 Year-2025 Thana- RAXAUL District- East Champaran

Basu Kumar son of Sudesh Kumar Srivastawa @ Sudesh Kumar Resident of
village - Gandhi Nagar, ward no. 09, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

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

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

ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 67 of 2025 arising out of Raxaul P.S. Case No. 198 of
2025 instituted for the offences under Sections 22(a), 29 of the
N.D.P.S. Act.

3. Prosecution case, in short, is that total 1.5 litres of
Onerex Cough syrup containing codeine has been recovered in
this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 08.05.2025 and has one criminal antecedent.



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. Petitioner has no concern with the alleged recovery. Learned counsel further contended that the police after investigation submitted charge-sheet under Sections 22(a), 29 of the NDPS and as such, the recovered contraband is below the commercial quantity, and hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act as also Sections 103 and 105 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has also filed counter-affidavit stating therein that the total quantity of recovered cough syrup is 1.5 litres which is above the commercial quantity.

6. Considering the aforesaid facts and circumstances of the case and since the charge-sheet has been submitted under Section 22(a) of the NDPS Act as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with NDPS Case No. 67 of 2025 arising out of Raxaul P.S. Case No. 198 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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