

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56994 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- JANKINAGAR District- Purnia

Anil Kumar Sah @ Anil Kumar S/O Late Maheshwar Sah R/O Mohalla- ward
no- 7, Banmankhi, P.S.- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Bardhan Pandey, Adv.

For the Opposite Party/s : Ms.Anita Kumari, APP

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

ORAL ORDER

2 13-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Janki
Nagar P.S. Case No. 317 of 2024, instituted for the offences
punishable under Sections 8(c) and 21(c) of the N.D.P.S. Act.

3. Prosecution allegation, in short, is that there is
recovery of 1.4 liters of codeine cough syrup from the
possession of the co-accused Manoj Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The name of the petitioner has transpired in this
case on the basis of the confessional statement of the co-
apprehended accused Manoj Kumar recorded before the police



which has no evidentiary value in the eye of law. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that 1.4 liters cough syrup contains 2 gm codeine which is less than small quantity and the petitioner has got no concern with the alleged recovery. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 13.07.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned counsel for the petitioners again submits that the co-accused namely Manoj Kumar @ Manoj Yadav has been granted bail by this Court vide order dated 07.01.2025 passed in Cr. Misc. No. 87135 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner as also the petitioner having no criminal antecedent, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Janki Nagar P.S. Case No. 317 of 2024.

(Rudra Prakash Mishra, J)

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