

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64266 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- BELA District- Sitamarhi

Ramesh Kumar, Son of Rajendra Prasad, R/o.- Machhpakauni, P.S.- Bela,
Dist.- Sitamarhi, Nirala, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-09-2025 Heard Mr. Vishal Vikram Rana, learned counsel for
the petitioner and Mr. Shailendra Kumar Singh, learned APP for
the State.

2. Petitioner seeks regular bail in connection with
Bela P.S. Case No. 180 of 2024 dated 27.07.2024 registered for
the offence punishable under section 21(c) of the Narcotic
Drugs and Psychotropic Substances Act, 1985.

3. As per the prosecution story, the informant received
secret information that the FIR named accused of Bela P.S. Case
No. 24/2024, namely, Ramesh Kumar (petitioner), who was
presently on bail at that time, had kept intoxicated medicines
and Ganja in his house, then the informant along with other
police personnel, reached near the house of the petitioner. Upon
seeing the police party, one person, who was coming out of the
petitioner's house, fled away throwing his motorcycle and a



plastic bag containing 5.300 kg ganja. It is further alleged that upon searching the petitioner's house, 876 bottles containing 87,600 ml cough syrup in different bottles and other intoxicated materials, were recovered.

4. The main submissions advanced by petitioner's counsel are that as per the allegation levelled in the FIR, three recoveries of the alleged contrabands are said to have been made, one from the possession of the co-accused, namely, Raj Kishore Sah; second from the motorcycle found in front of the petitioner's house; and third from the petitioner's own house, the petitioner has no concern with the first two recoveries as there is no allegation as to his involvement in respect of the first two recoveries and the third recovery relates to cough syrup bottles of particular companies and Nitrovet tablets, a prohibited intoxicating drugs, but during the course of investigation, the FSL report was obtained, which shows that the materials purportedly seized from the house of this petitioner were found to be of standard quality, which does not show these material containing narcotic substance, therefore, the alleged offence of the NDPS Act under which the FIR has been registered does not attract against this petitioner. It is further submitted that the co-accused Raj Kishore Sah from whose *gumti*, the alleged narcotic



materials recovered, has been granted bail by a co-ordinate Bench of this Court vide order dated 17.01.2025 passed in Cr. Misc. No. 69030/2024. It is lastly submitted that the compliance of the mandatory provision of section 50 of the NDPS Act was not made by the concerned police officials while conducting search for the narcotic contraband.

5. Learned APP for the State has opposed the prayer of the petitioner and submits that a large quantity of cough syrup bottles were recovered from the house of this petitioner and against him, there is one more criminal case bearing Bela P.S. Case No. 24/2024, which was also lodged for the offence under the NDPS Act.

6. Considering the seriousness of the allegation showing the recovery of large quantity of cough syrup bottles from the house of this petitioner and also the petitioner's one criminal antecedent relating to the NDPS matter, this Court is not inclined to release him on bail. Accordingly, his prayer stands rejected.

(Shailendra Singh, J)

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