

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69456 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- Haraiya District- East Champaran

Pradhuman Das @ Praduman Das S/o Mohar Das R/o Village - Jaitapur, P.S -
Palanwa, District - East Champaran at Motihari

... .. Petitioner/s

Versus

Union of India through Secretary, Ministry of Home, Narcotic Drugs Central
Bureau, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Bharti, Advocate
For the Union of India : Mrs. Shail Kumari, CGC

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
appearing on behalf of Union of India.

2. In the present case, the petitioner seeks bail in connection with Haraiya P.S. Case No. 96 of 2025, arising out of NDPS G.R. Case No. 102 of 2025 registered for the alleged offences under Sections 21(c), 23(c) & 29 of NDPS Act.

3. As per prosecution case, police received secret information about trade of intoxicating drug from one motor parking place. A raid was conducted and petitioner and co-accused Lalbabu Singh were apprehended and from their pockets, recovery of one bottle each of Onerex cough syrup (100 ml) was made. From the search of nearby places, recovery



of 18 bottles of Onerex cough syrup 100 ml each was made from a plastic bag adjacent to a guava tree. The petitioner and co-accused disclosed the name of one Pawan Kumar who had been bringing the illicit drug and getting the same sold through the petitioner and co-accused.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only recovery shown from the petitioner is of cough syrup which is not a banned substance. Moreover, the recovery is of one bottle of 100 ml cough syrup only. Further, the recovery of 18 bottles of cough syrup is from a plastic bag and was made from the parking place which is a public place and the petitioner has no concern with the said recovery. There is nothing to show the connection of the petitioner with said recovery. Co-accused Pawan Kumar has not been apprehended and no investigation has been made to catch the real culprit. The petitioner has been made scapegoat in the present matter as he has been working in the capacity of a guard at Tata Motors Parking. Being a low level employee, the petitioner had no control over the movement or storage of goods within the parking area. The presence of the petitioner at the parking site was a part of his job and his presence cannot lead to any other inference. The petitioner is



having clean antecedent. The petitioner is in custody since 26.07.2025 and charge sheet has been submitted.

5. Learned counsel appearing on behalf of Union of India opposes the submission made on behalf of the petitioner. Learned counsel submits that apart from the recovery of one bottle of cough syrup from the petitioner, further recovery of 18 bottles of cough syrup was made from the place from where this petitioner was apprehended. In this manner, 20 bottles of 100 ml cough syrup were recovered.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the recovery of only one bottle of 100 ml of cough syrup from the petitioner and further considering the fact that other recovery is not from the possession of the petitioner and also considering the period of custody of the petitioner, his clean antecedent and submission of charge sheet, the petitioner above named is directed to 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 learned Sessions Judge/Special Judge, East Champaran, Motihari/concerned Court in connection with Haraiya P.S. Case No. 96 of 2025, arising out of NDPS G.R. Case No. 102 of



2025, subject to the conditions mentioned in Section 480(3) of
B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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