

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71084 of 2025

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

Lal Babu Singh S/O Late Vishwanath Singh R/O Village- Vishrampur, P.S-
Kalaiya, Distt.- Bara Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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

ORAL ORDER

2 09-10-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Haraiya PS Case No. 96 of 2025 (NDPS GR No. 102 of 2025)
instituted for the offences under Sections 21(c), 23(c) & 29 of
the NDPS Act.

3. On 25.07.2025 at about 02:10 P.M., during
patrolling, police apprehended Lalbabu Singh (petitioner) and
Pradhuman Das at Tata Motors Parking, Tumariya Tola, and
recovered 20 bottles of Onerex Cough Syrup (1 each from them
and 18 concealed in a plastic bag below a tree). They disclosed
that they sold the syrup at the instance of accused Pawan
Kumar.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet 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 as per allegation one bottle of cough syrup is recovered from the petitioner's possession, which is evident from the seizure list. 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 26.07.2025 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

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

6. Considering the aforesaid facts and circumstances of the case, recovery below commercial quantity and 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/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Haraiya PS Case



No. 96 of 2025 (NDPS GR No. 102 of 2025), subject to the following conditions:

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

(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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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