

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73114 of 2025

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

Pawan Kumar S/O Lalan Sah Resident of village- Birta (Birganj) ward no. 04,
P.S.-Birta , District- Parsa (Parsar) Nepal

... .. 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 : Mr.Humayou Ahmad Khan, APP

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

ORAL ORDER

2 31-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in N.D.P.S. G.R. Case No.
102 of 2025 arising out of Haraiya P.S. case No. 96 of 2025
instituted for the offences under Sections 21(c), 23(c) and 29 of
the N.D.P.S. Act.

3. Prosecution allegation, in short, is on 25.07.2025 at
about 02.10 p.m., during patrolling, police recovered 20 bottles
of Onerex cough syrup from the accused persons. They
disclosed that they sold the syrup at the instance of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. The petitioner is in custody since 26.07.2025 and has got no criminal antecedent. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner, although the same has been recovered from the co-accused who have been granted bail by order dated 09.10.2025 passed in Cr. Misc. No. 71084 of 2025 by this Bench and by order dated 08.10.2025 passed in Cr. Misc. No. 69456 of 2025 by a Coordinate Bench of this Court. The place from where recovery is made does not belong to the petitioner. The police with ulterior motive implicated the petitioner in false case. 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. 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, the period of custody undergone by the petitioner and claim based on parity, 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 N.D.P.S. G.R. Case No. 102 of 2025 arising out of Haraiya P.S. case No. 96 of 2025.

(Rudra Prakash Mishra, J)

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