

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83416 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- LAUKAHI District- Madhubani

Sanjay Kumar Sah @ Sanjay Sah S/O Mahesh Prasad Sah @ Mahesh Sah
R/O Village - Tharuahi, P.S.- Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

ORAL ORDER

4 03-03-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Laukahi
P.S. Case No. 167 of 2024 instituted for the offences under
Section 20/22 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered
120 tablets of Spasmo-Proxyvon Plus, 30 tablets of Nitravet 10,
8 bottles of Korcef C cough syrup containing Triprolidine
Hydrochloride Codeine Phosphate (100 ml each) and 03 empty
bottles of Corcef-C cough syrup from the counter box of shop
belonged to the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case. The petitioner has not committed any offence as alleged in the F.I.R. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has also no concern with the seized contraband and has been falsely implicated in this case due to dirty village politics. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. There is also non-compliance of Section 103 of the B.N.S.S. which creates doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 13.09.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned Public Prosecutor has opposed the bail application on the ground that keeping any contraband article in possession is an offence of grave nature. The petitioner is named in the F.I.R. The offence alleged is serious in nature and, hence, the petitioner does not deserve bail.

6. Pursuant to the direction of this Court, the learned APP has filed counter affidavit. In Para 8 of the same, it has been stated that so far as 120 tablets of Spasmo Proxyvon Plus tablets is concerned, the same is not covered under Schedule-I



of the N.D.P.S. In Para-9, it has been stated that quantity of Nitrazepam is 0.3 gram which is much below the small quantity and in Para-10, it has been stated that the quantity of codeine has been found to be 1.6 gram, which is also much below the small quantity.

7. Having considered the rival submissions of the learned counsel for the parties and taking into account the aforesaid seized quantity of contraband is less than the commercial quantity, the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Laukahi P.S. Case No. 167 of 2024.

(Rudra Prakash Mishra, J)

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