

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83435 of 2024

Arising Out of PS. Case No.-212 Year-2024 Thana- HARLAKHI District- Madhubani

Bharoshi Yadav S/O Ram Gulam Yadav R/o - Deodiha, Ward No.05, P.S -
Janakpur, District - Dhanusha, Nepal

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Union Of India Through N.D.P.S Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Sanjay Kumar Jha, Advocate
For the State	:	Mr. Jitendra Kumar Singh, APP
For the UOI	:	Mr. Rakesh Kumar, CGC

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

ORAL ORDER

6 07-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in Harlakhi PS Case No.
212 of 2024 instituted for the offences under Sections 20 & 22
of the NDPS Act.

3. Prosecution allegation, in short, is that there is
recovery of 300 tablets of Nitrozepam, 144 capsules of Spasmo
Proxyvon Plus and 100 bottles of Exciploon cough Syrup from
bicycle.

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 petitioner has no concern with the recovered contraband. 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 10-08-2024 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 filed counter affidavit in this case and has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that total constituents of Nitrazepam is 3 grams, which is small quantity and tramadol constituents is 7.2 grams, which is above small and below commercial quantity and the total constituents of codeine is 20 gram, which is more than small quantity and below commercial quantity.

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.10,000/- (Ten thousand) with two sureties of



the like amount each to the satisfaction of Court below/concerned Court in connection with Harlakhi PS Case No. 212 of 2024, subject to the following conditions:

(I) One of the bailors must be close member of the family of the petitioner, who is Indian resident.

(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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