

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84241 of 2024

Arising Out of PS. Case No.-292 Year-2024 Thana- SONBERSA District- Sitamarhi

Bablu Raut Son of Amiri raut Resident of Village - Chilara, P.S. - Sonbarsa,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.
For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

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

ORAL ORDER

3 25-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Sonbarsa P.S. Case No. 292 of 2024 instituted for the offences
under Sections 21(B), 21(C) of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered 30
bottle each of 100 ML of Codedyl-T cough syrup from the
possession of petitioner, 10 bottle each of 100 ML Codedyl-T
cough syrup from the possession of co-accused Arun Prasad and
10 bottle each of 100 ML of Codedyl-T cough syrup from the
possession of the co-accused Roshan Kumar and made the
seizure list. The police has also recovered 457 bottles each of
100 ML Codedyl-T cough syrup and 600 pieces of Nitravet-10



tablets from the house of the co-accused Navin Mahto and seizure list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. 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 rather the alleged recovery has been made from the south of Hanuman Chowk near the puncture shop on Bharat-Nepal boarder. There is no signature of the petitioner in the seizure list. Learned counsel for the petitioner submits that as per allegation total 30 bottle each of 100 ML of Codedyl-T cough syrup has been recovered from the possession of petitioner. He further submits that the quantity of recovered contraband is below the commercial quantity, and 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. There is also non-compliance of Section 103 of the B.N.S.S. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.09.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. Learned counsel for the State has filed counter affidavit stating therein that the total quantity of Codeine is 57 grams which is below the commercial quantity whereas the quantity of Nitrovet is 6 grams which comes under the small quantity.

6. Considering the aforesaid facts and circumstances of the case, recovered contraband being less than commercial quantity as also 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 Sonbarsa P.S. Case No. 292 of 2024.

(Rudra Prakash Mishra, J)

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