

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84897 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- BIRPUR District- Supaul

Ajay Sah S/o- Mahendra Sah Village- Hospital Road Birpur ward No 1 Ps-
Birpur District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Anil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 12-05-2025 None appears on behalf of the petitioner, however,
learned APP for the State is present.

2. The petitioner is apprehending arrest in connection
with Birpur P.S. Case No. 225/2024 registered on 22.06.2024
for the offences punishable under Section 21(c) of the Narcotic
Drugs and Psychotropic Substances Act, 1985.

3. According to the prosecution, a total of 20 litres of
illegally possessed Codeine Phosphate Syrup was recovered,
which is the subject matter of the present case.

4. From the pleadings of the petitioner, it appears that
the petitioner is innocent and has not committed any offence. No



recovery has been made from the possession of the petitioner; his name has surfaced in the present case solely on the basis of a confessional statement made by the apprehended co-accused, Rakesh Mehta. It further emerges from the pleadings that Rakesh Mehta was employed at a medical shop owned by the petitioner's son and had allegedly misappropriated a sum of ₹1,26,000/- from the said shop. Subsequently, a *panchayati* was convened, during which a partial payment was made by the accused to the petitioner's son. The pleadings further indicate that the seized substance does not fall under the purview of the Narcotic Drugs and Psychotropic Substances Act, 1985. However, it has been stated in paragraph 3 of the petition that the petitioner is also an accused in another criminal case, which was registered under various sections of the Indian Penal Code, as well as under Section 26B of the Narcotic Drugs and Psychotropic Substances Act, 1985.

5. Learned APP for the State opposes the prayer for bail and submits that the recovered contraband falls within the ambit of the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of



the petitioner in connection with Birpur P.S. Case No. 225/2024,
pending before the learned Sessions Judge, Supaul, is hereby
rejected.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

