

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88631 of 2024

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

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Arun Prasad @ Arun Kumar Prasad Son of Late Rudra Narayan Prasad
Resident of Village- Chilara, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

ORAL ORDER

3 14-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

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
total 507 pieces of CODEDYL-T cough syrup 100 ml. and total
600 NITRAVET 10 mg tablets have been recovered in this case.

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
due to dirty village politics. He submits that the petitioner was
arrested with other co-accused persons and only 10 pieces of



Codeyl-T Cough Syrup have been recovered from the possession of the petitioner. The petitioner has no concern with the other co-accused persons. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and the petitioner has been arrested in this case only on the basis of suspicion. The petitioner has no concern with the seized contraband. The quantity of seized contraband is less than 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 Section 42 and 50 of the N.D.P.S. Act. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 18.09.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Navin Mahto has been granted bail by this Court vide order dated 04.02.2025 passed in Cr. Misc. No. 81919 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the State has filed counter affidavit and in Para-10 thereof, it has been stated that total 101.4 gram codeine



has been recovered which is more than small quantity and less than the commercial quantity. In Para 12 of the counter affidavit, it has been stated that total 6 grams of Nitrazepam has been recovered which is below the small quantity. Charge-sheet has been submitted under Section 21(b)(c) of the N.D.P.S. Act.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, the petitioner having no criminal antecedent, the recovered contraband being below the commercial quantity and the prayer for bail being based on parity, 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 Sonbarsa P.S. Case No. 292 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(Rudra Prakash Mishra, J)

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