

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87637 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- SIKTI District- Araria

Mithlesh Kumar @ Mithlesh Kumar Yadav @ Mithilesh Kumar Yadav Son of
Jay Ram Yadav Resident of Village - Singhia Parariya, P.S. - Sikty, District -
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sikty
P.S. Case No. 134 of 2024 instituted for the offences under
Section 21(c) of the N.D.P.S. Act.

3. Prosecution case, in short, is that the police has
recovered 14.9 liter codeine rich syrup from two motorcycles.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is in custody since 07.09.2024 and has two criminal
antecedents. There is no allegation of tampering of witnesses
alleged against the petitioner. No incriminating material has
been recovered from the conscious possession of the petitioner.
The petitioner is the owner of the Hero Achiever Motorcycle.



The recovered contraband is below 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the recovered contraband constitutes 29.8 gm of codeine.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner and the quantity of contraband being below the commercial quantity, 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 Sikty P.S. Case No. 134 of 2024.

(Rudra Prakash Mishra, J)

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