

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1309 of 2025**

Arising Out of PS. Case No.-326 Year-2024 Thana- NADI P.S. District- Patna

Rinku Devi Manoj Rai @ Manoj Kumar Resident of Village - Jethuli, P.S-  
Nadi, Dist - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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

ORAL ORDER

4      28-04-2025      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with Nadi  
PS Case No. 326 of 2024 instituted for the offences under  
Sections 21(c), 22(c) & 25 of the NDPS Act.

3.      Prosecution allegation, in short, is that there is  
recovery of 465 bottles of codeine cough syrup, each weighing  
100 mL.

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 09-10-2024 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 supplementary counter affidavit and has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly contended that total constituents of codeine in 465 bottles comes to 93 gram, which is below the 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 Nadi PS Case No. 326 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(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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