

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89216 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- KUWARI District- Araria

Kamlanand Mandal Son of Late Bhangilal Mandal Resident of village- Katfar
kuwari Ward No. 11, P.S.- Kuwari, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

3 19-03-2025 Heard Mr. Mukesh Kumar Rana, learned counsel for
the petitioner and Mr. Choubey Jawahar, learned APP for the
State.

2. The petitioner seeks bail in connection with Kuwari
P.S. Case No. 69 of 2024 instituted for the offences under
Sections 21, 22, 23 and 25 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 26.5 litres of
codeine cough syrup has been recovered in this case.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Charge-sheet has been submitted in this case. Petitioner is in
custody since 16.10.2024 and has no criminal antecedent. 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 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. The co-accused person has already been granted bail by this Court vide order dated 13.02.2025 passed in Cr. Misc. No. 6219 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and has also filed counter-affidavit in the present matter. Learned APP further referring to paragraph no. 7 of his counter-affidavit submitted that total amount of codeine present in the seized cough syrup is 1 gram, which is well below the small quantity as per the NDPS Act.

6. Considering the aforesaid facts and circumstances of the case, the recovered narcotics being less than small 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 Kuwari P.S. Case
No. 69 of 2024.

Alok Verma/-
(Rudra Prakash Mishra, J)

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