

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.677 of 2025

Arising Out of PS. Case No.-665 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Pradeep Kumar Son of Late Bachau @ Bachau Sonkhar Resident of Village- Kudaran, PS- Aharaura, District -Mirzapur (UP).
2. Raju Kumar Son of Premlal Sonkar Resident of Village- Saiyadraja, P.S.- Saiyadraja, Distt.- Chandauli (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aquaib Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 03-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 665 of 2024 instituted for the offences under Sections 8(c), 21(c), 16 of the N.D.P.S. Act.

3. Prosecution case, in short, is that total 480 litres of cough syrup has been recovered from pickup.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. Petitioners are in custody since 22.08.2024 and have no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating material has



been recovered from the conscious possession of the petitioners. 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.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that he has filed a counter-affidavit in the matter and at paragraph nos. 9 and 10 of the said counter-affidavit, he has stated the quantum of recovery of the contraband. Learned APP referring to the said paragraph submitted that the total amount of codeine present in the recovered cough syrup is 960 gram which is more than the small quantity and less than the commercial quantity as defined under the NDPS Act.

6. Considering the aforesaid facts and circumstances of the case, recovery of the seized contraband being less than commercial quantity as also the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties



of the like amount each to the satisfaction of Court
below/concerned Court in connection with Excise P.S. Case
No. 665 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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