

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4194 of 2026

Arising Out of PS. Case No.-102 Year-2021 Thana- SONBERSA District- Sitamarhi

Rajesh Kumar S/o Shivji Mahto R/o Village - Jai Nagar, PS - Sonebarsa,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
		Ms. Divya Bhat, Advocate
For the Opposite Party/s	:	Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-01-2026 Heard Mr. Pushpendra Kumar Singh, learned
counsel for the petitioner and Mr. Umesh Lal Verma, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.08.2025 in connection with Sonebarsa P.S. Case No. 102 of
2021, F.I.R. dated 14.04.2021 for the offences punishable under
Section 21(b) of the N.D.P.S. Act.

3. Recovery is of 120 pieces of intoxicated cough
syrup.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. It appears from the F.I.R that no
incriminating article has been recovered from the possession of



the petitioner rather 120 pieces of intoxicated syrup were recovered from the house of the petitioner. He further submits that as per the notification dated 14.11.1985 Central Government has issued the Corex cough syrup which has been recovered has concentration of codeine is approximately 0.2% which is less than 2.5% as provided in the above notification. Hence, the drug is under the permissible limit, so no case is made out under the NDPS Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.08.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the drug contained in the syrup is less than the prescribed limit, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Sitamarhi in connection with Sonebarsa P.S. Case No.102 of 2021, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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