

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16595 of 2026

Arising Out of PS. Case No.-223 Year-2025 Thana- SONBERSA District- Sitamarhi

Rajnikant Kumar S/o- Late Yogendra Mahto R/v- Chilara P.S- Sonbarsa
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brahmaputra Singh Ishu, Advocate
For the State : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-03-2026 Heard Mr. Brahmaputra Singh Ishu, learned counsel
for the petitioner and Mr. Uday Chand Prasad, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
26.07.2025, in connection with Sonbarsa P.S. Case No. 223 of
2025, F.I.R. dated 25.07.2025 registered for the offences
punishable under Sections 21(C) of the N.D.P.S. Act.

3. The case relates to recovery of 50 bottles each of
100 ml. total 05 litres codeine phosphate Cough Syrup and 1150
tablets of NITRAZEPAM-IP.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has not committed any offence as
alleged in the F.I.R. He further submits that the Central
Government has issued Notification No. S.O. 826(E) dated
14.11.1985 which is given hereunder:-



“S.O. 826(E). - In Exercise of the powers conferred by sub-clause (b) of clause (xi) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby declares the following narcotic substances and preparations to be manufactured drugs, namely :-

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35. Methyl morphine (commonly known as ‘Codeine’) and Ethyle morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 miligrams of the drug per dosage unit, and with a concentration of not more than 2.5% in undivided preparations and which have been established in Therapeutic practice.

xxx”



5. In this case, Codeine phosphate cough syrup has been recovered and the concentration of the codeine in this drug is approximately 0.2% which is less than 2.5% as provided in the above notification so the present case does not fall under the N.D.P.S. Act which falls under the Drugs and Cosmetic Act and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.07.2025.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one and out of four cases one case pertaining to N.D.P.S. matter but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the facts and circumstances of the case as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 223 of 2025, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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