

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22902 of 2026

Arising Out of PS. Case No.-122 Year-2025 Thana- SULTANGANJ District- Bhagalpur

Rajnish Kumar Paswan @ Raj Kumar S/O Vinay Kumar Nirala R/O vill.-
Adarsha Nagar, ward No.- 17, P.S- Sultanganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the State : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2026 Heard Mr. Vivekanand Vivek, learned counsel for

the petitioner and Mr. Mohammad Sufyan, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
29.03.2025, in connection with Sultanganj P.S. Case No. 122 of
2025/NDPS Case No. 88 of 2025, F.I.R. dated 28.03.2025
registered for the offences punishable under Sections
21(C)/22(g)/25 of the N.D.P.S. Act, 1985..

3. The case relates to recovery of 120 bottles of
Codeine Phosphate @ Triprolidine HCL Syrup Cough Linctus
RJT-Scen each bottles 100 ml i.e. total 12 litres.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. It appears from the F.I.R. as well



as seizure list that altogether 120 bottles of Codeine Phosphate @ Triprolidine HCL Syrup Cough Linctus RJT-Scen each bottles 100 ml i.e. total 12 litres was recovered from the possession of the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. Although the present case comes under the purview of Drugs and Cosmetics Act, 1940 and apart from the aforesaid, the recovered contraband is less than the commercial quantity, so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and from perusal of the seizure list it appears that there is non compliance of mandatory provisions of Sections 50 and 52 of the N.D.P.S. Act as well as there is non compliance of Sections 103/105 of the B.N.S.S. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 29.03.2025.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is non compliance of mandatory provisions of Sections 50 and



52 of the N.D.P.S. Act as well as there is non compliance of Sections 103/105 of the B.N.S.S. and the recovered contraband is less than the commercial quantity, 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 District & Additional Sessions Judge-I, Bhagalpur in connection with Sultanganj P.S. Case No. 122 of 2025/N.D.S. Case No. 88 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 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.

(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 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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