

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48165 of 2026

Arising Out of PS. Case No.-142 Year-2026 Thana- BEGUSARAI TOWN District- Begusarai

Manish Kumar, S/O Bajrangi Mahto, R/O Village- Singhaul, Ward No. 01,
P.S.- Singhaul, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate Mr. Krishna Prabhat, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with NDPS Case No. 34/2026, arising out of Begusarai Town P.S. Case No. 142 of 2026, registered for the offences under Sections 8, 20(b)(ii)(B), 21(b) of NDPS Act.

3. As per the prosecution case, police received information about a youth selling intoxicating drugs. A raid was conducted and the petitioner was apprehended and from a bag being carried by the petitioner, 19 bottles of 100 ml. cough syrup containing codeine phosphate, 2 strips having 16 vials of pentazocine injection, and 230 tablets of nitrazepam were recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Nothing incriminating has been recovered from the person/possession of the petitioner, who was apprehended merely on suspicion. There is complete violation of mandatory provisions of Section 50 of NDPS Act as no gazetted officer has joined at the time of raid nor the petitioner was given an option of being searched before such officer. Except for cough syrup containing codeine phosphate, other drugs seized from the petitioner are not notified under the NDPS Act. So there could be violation of only Drugs and Cosmetics Act. So far as recovery of cough syrup containing codeine phosphate is concerned, the whole quantity contains minuscule amount of codeine phosphate which is only 3.8 grams and the same is a quantity much less than the small quantity. Since it is cough syrup, the same is covered under the Drugs and Cosmetics Act. The learned counsel further submits that the petitioner, who is a young boy aged about 24 years, is in custody since 19.03.2026 and is having clean antecedent.

5. Learned APP appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and



submission made on behalf of the parties and considering the fact that the petitioner is a young man and further considering the period of custody of the petitioner along with his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1-cum-Special Judge, NDPS Act, Begusarai/concerned court, in connection with NDPS Case No.34/2026, arising out of Begusarai Town P.S. Case No. 142 of 2026, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled



by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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