

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78010 of 2025

Arising Out of PS. Case No.-257 Year-2025 Thana- BELDOUR District- Khagaria

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Bihari Kumar S/O Wakil Yadav R/O Village- Kainjari, P.S- Beldour, Distt.-
Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2026 Heard Mr. Diwakar Prasad Singh, learned counsel

for the petitioner and Mr. Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
22.08.2025 in N.D.P.S Case No. 23 of 2025 arising out of
Beldour P.S. Case No. 257 of 2025, F.I.R. dated 21.08.2025 for
the offences punishable under Sections 8, 20(B)iiC of the
Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 17 liters of Codeine 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 FIR that
altogether 17 bottles of Codeine Phosphate & triprolidine
Hydrochloride Syrup (WISCOF), each bottles contains 100 ml



each was recovered from the house of the petitioner. He further submits that there is non-compliance of the mandatory provision of Sections 42 and 50 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S Act for grant of bail to the petitioner. He further submits that the police after investigation submitted the charge sheet. The petitioner is in custody since 22.08.2025.

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

6. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent and that 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (NDPS), Khagaria in connection with Beldour P.S. Case No. 257 of 2025, 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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