

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78087 of 2025

Arising Out of PS. Case No.-286 Year-2023 Thana- SONEPUR District- Saran

Chhotu Baba @ Kalim @ Aniket Krishna S/o Neell Krishna Singh R/O
village- Sonapur, PS- Sonapur Hariharnath, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Advocate
For the State : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Sonapur Hariharnath P.S. Case No. 286 of
2023 dated 22.04.2023, registered for the offences punishable
under Sections 22 and 27 of the NDPS Act.

3. As per allegation, the police got information that
certain persons are indulged in selling the intoxicant and when
they reached the place of occurrence, one person fled away and
three persons were apprehended on the spot and Phenergan and
Avil injections were recovered from all three apprehended
accused persons and the petitioner had fled away.

4. Learned counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this



case. He further submits that as a matter of fact, no offence at all much less under the NDPS Act is made out as per the alleged facts and circumstances. To substantiate his submission, he further submits that Phenergan and Avil injections are not intoxicant or narcotic drugs and psychotropic substance. He also refers to the judgment of *Lijo Joy Vs. State of Kerala in Crl. A. No. 1520 of 2012* and *Rajveer Singh @ Raju Vs. State of Punjab in CRM-M No. 51661 of 2021*, wherein it has been held that the alleged Phenergan and Avil injections are not intoxicant or narcotic and psychotropic substance.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below, in connection with Sonapur Hariharnath P.S. Case No. 286 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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