

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79314 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- KUNAU LI District- Supaul

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Arun Kumar Mehta S/o Radheshyam Mehta R/o Village- Kunauli, Ward
No.16, P.S- Kunauli, Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-01-2026 Heard Mr. Ranjay Kumar Singh, learned counsel for

the petitioner and Mr. Anil Prasad Singh, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
23.06.2025 in N.D.P.S Case No. 69 of 2025 arising out of
Kunauli P.S. Case No. 68 of 2025, F.I.R. dated 23.06.2025 for
the offences punishable under Sections 21 (c), 22(c), 25 and 29
of the Narcotic Drugs & Psychotropic Substance Act, 1985.

3. Recovery is of 10.08 liters of Codeine Syrup.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. It appears from the FIR that altogether 70 bottles
of ONEREX cough syrup, 28 bottles of WINCEREX-T cough
syrup and 10 bottles of DIALEX-TM-DC each bottles contains



100 ml each was recovered from the courtyard of the petitioner's house. 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 23.06.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the house of the petitioner and apart from that the petitioner carries three criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, 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, Supaul in connection with Kunauli P.S. Case No. 68 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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