

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78976 of 2025

Arising Out of PS. Case No.-219 Year-2025 Thana- SONBERSA District- Sitamarhi

Rohit Kumar S/o Ram Lagan Mahto R/o Village- Rohuya ward No. 02, P.S.-
Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-01-2026 Heard Mr. Mahendra Thakur, learned counsel for
the petitioner as well as Mr. Mohammad Sufyan, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.07.2025 in connection with Sonbarsa P.S. Case No. 219 of
2025, F.I.R. dated 23.07.2025 for the offences punishable under
Sections 21(C) of the Narcotic Drugs & Psychotropic Substance
Act, 1985.

3. Recovery is of 1.6 liters of Codein Phosphate-
ONEREX and 3.2 liters of Codein Phosphate-WIXDIN.

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 FIR



is in two part. In first part the recovery has been made from the shop of the petitioner and in the second part, recovery has been made from behind the shop 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 24.07.2025.

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 Sessions Judge-cum-Special Judge(N.D.P.S Act), Sitamarhi in connection with Sonbarsa P.S. Case No. 219 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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