

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86004 of 2025

Arising Out of PS. Case No.-223 Year-2025 Thana- SONBERSA District- Sitamarhi

Chintu Kumar @ Suman Kumar @ Chintu Mahto @ Suman Son of Krishna Prasad @ Krishna Mahto @ Kishan Mahto Resident of Village - Chilri, Ward No.- 6, P.S.- Sonbarsa, District – Sitamarhi Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 19-03-2026 Heard the learned counsel for the petitioner and the learned APP for the State.

2. The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 223 of 2025, F.I.R. dated 25.07.2025 registered for the offences punishable under Sections 21(C) of the N.D.P.S. Act.

3. The case relates to recovery of 50 bottles each of 100 ml. total 05 litres codeine phosphate Cough Syrup and 1150 tablets of NITRAZEPAM-IP.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged in the F.I.R. He further submits that the Central Government has issued Notification No. S.O. 826(E) dated 14.11.1985 which is given hereunder:-

“S.O. 826(E). - In Exercise of the powers



conferred by sub-clause (b) of clause (xi) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby declares the following narcotic substances and preparations to be manufactured drugs, namely :-

35. Methyl morphine (commonly known as 'Codeine') and Ethyle morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 miligrams of the drug per dosage unit, and with a concentration of not more than 2.5% in undivided preparations and which have been established in Therapeutic practice.

5. In this case, Codeine phosphate cough syrup has been recovered and the concentration of the codeine in this drug is approximately 0.2% which is less than 2.5% as provided in the above notification so the present case does not fall under the N.D.P.S. Act, which falls under the Drugs and Cosmetic Act and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.07.2025.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases,



other than the present one and out of four cases, one case pertaining to N.D.P.S. matter, but fairly submits, on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the facts and circumstances of the case as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Sessions Judge-Cum-Special Judge (NDPS Act), Sitamarhi in connection with Sonbarsa P.S. Case No. 223 of 2025, subject to the following condition:-

(1) The learned 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 antecedents, 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.

(Ritesh Kumar, J)

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