

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88014 of 2025

Arising Out of PS. Case No.-281 Year-2025 Thana- SONBERSA District- Sitamarhi

Kamod Kumar S/O Paspat Mahto R/O Village- Sonbarsa, P.S- Sonbarsa,
Distt.- Sitamarhi, Bihar. 843330.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Raghvendra Kumar, Advocate
For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2026 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and Mr. Anant Kumar 1, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
13.10.2025, in connection with Sonbarsa P.S. Case No. 281 of
2025, F.I.R. dated 12.10.2025 registered for the offences
punishable under Sections 317(5) of the B.N.S. and 21(C) of the
N.D.P.S. Act.

3. The case relates to recovery of 24 pieces of 100 ml
Onerex Cough Syrup.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely implicated
in the present case. It appears from the F.I.R. that altogether 24
pieces of 100 ml Onerex Cough Syrup was recovered from the
shop. It appears from the seizure list that 13 pieces of cough syrup



was recovered from the mobile shop of the petitioner. He further submits that there is non-compliance of mandatory provisions of N.D.P.S. Act and recovery is less than the commercial quantity and hence there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.10.2025.

5. Learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 281 of 2025, subject to the following conditions :-

(1) 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.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 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.

(Rajesh Kumar Verma, J)

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