

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90130 of 2025

Arising Out of PS. Case No.-244 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Kanhaya Kumar @ Kanhaiya Kumar Son of Ram Bharosh Sah Resident of
Village - Majorganj Ward No. 05, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the State : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-01-2026 Heard Mr. Uday Kumar, learned counsel for the
petitioner and Mr. Uday Pratap Singh, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 25.06.2025, in connection with Majorganj P.S. Case No. 244 of 2025, F.I.R. dated 24.06.2025 registered for the offences punishable under Sections 21(C) of the N.D.P.S. Act.

3. The case relates to recovery of 30 bottles of 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. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. From perusal of the F.I.R. it appears that altogether 30 bottles



of ONEREX cough syrup was recovered from the bicycle of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of mandatory provisions of Sections 42 and 50 of the N.D.P.S. Act and apart from that recovered contraband is less than the commercial quantity and there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.06.2025.

5. The learned Additional Public Prosecutor for the State has 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 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 Sessions Judge cum Special Judge (N.D.P.S. Act), Sitamarhi in connection with Majorganj P.S. Case No. 244 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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