

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91022 of 2025

Arising Out of PS. Case No.-230 Year-2025 Thana- Excise P.S. District- Banka

Yugal Kishore Singh Son of Late Bachneshwar Prasad Singh Resident of
Village- Khiddi, P.S.- Rajoun, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Pravesh Nath Tiwari, Advocate
	:	Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s	:	Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 30-03-2026 Learned counsel for the petitioner is permitted to make necessary correction in paragraph-7 of the 3rd supplementary affidavit.

2. Heard Mr. Ram Pravesh Nath Tiwari, learned counsel for the petitioner and Ms. Asha Kumari, learned A.P.P. for the State.

3. The petitioner seeks bail, who is in custody since 23.05.2025 in connection with Excise P.S. Banka Case No. 230 of 2025, F.I.R. dated 22.05.2025 registered for the offence punishable under Sections 8, 21(c), 25 of N.D.P.S. Act.

4. Recovery is 1190 bottles of 100 ml in ten boxes (119 liter) of RJT-SCEN Cough Linctus (Codeine Phosphate and Triprolidine Hydrochloride Syrup).



5. Learned counsel appearing for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. As per allegation in the FIR, the informant has got information that the petitioner has kept illegal codeine syrup in his medical shop. Learned counsel for the petitioner submits that it appears from the FIR as well as the seizure list that altogether 1190 bottles of 100 ml in ten boxes (119 liter) of RJT-SCEN Cough Linctus (Codeine Phosphate and Triprolidine Hydrochloride Syrup) was recovered from the shop of the petitioner. Learned counsel for the petitioner submits that as per calculation that altogether 4.76 Gm of Narcotic contents was found, which is mentioned in paragraph-7 of 3rd supplementary affidavit and the same is quoted here in below:-

“7. That, the total number of bottles allegedly recovered is 1190 bottles, each having a capacity of 100 ml., the correct calculation of codeine content would therefore be as follows:

1190x100ml=119000 ml.

:In 100 ml.-4 mg. Codeine.

:119000x4 100

:4760 ml.



:4760 1000

=4.76 grams.”

In view of the aforesaid, the recovered contraband is even less than the small quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 23.05.2025.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one of similar nature but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

7. Considering the aforesaid facts and the recovered contraband is even less than the small 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 learned Sessions Judge-cum-Special Judge (NDPS Act), Banka in connection with Excise P.S. Banka Case No. 230 of 2025, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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