

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5737 of 2026

Arising Out of PS. Case No.-78 Year-2021 Thana- RAUTA District- Purnia

Md. Shahjahan S/o Late Jahangir R/o Village - Bagdhar, P.S - Amour, District
- Purnea At present R/o Village - Machhaila, P.S - Jokihat, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr.Advocate
	:	Mr.Bidhu Ranjan, Advocate
For the Opposite Party/s	:	Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 29-04-2026 Heard Mr. N.K.Agrawal, learned senior counsel

appearing for the petitioner and Mr.Ajay Kumar No. 2,

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 07.10.2025 in connection with Rauta P.S. Case No. 78 of 2021, FIR dated 28.07.2021 instituted for the offences under Sections 274,275,276 of IPC, Sections 21(C) of N.D.P.S.Act, Sections 27(b),28,27(d) of Drugs and Cosmetic Act and Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 1056 liters of codeine syrup.

4. Learned senior counsel appearing for the



petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that all the seizure list articles were recovered from the vehicle in question and altogether 10560 bottles of codeine syrup was recovered from the vehicle in question and it appears that after the calculation that each bottle contains 5 Mg. *“The total codeine content is calculated as follows: 10,560x5 Mg=52,850 Mg i.e. 52.8 Grams”*, the total contraband is 52.8 Grams which is below 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, apart from that, there is non-compliance of Section 50 of the NDPS Act and there is also non-compliance of the mandatory provisions of the NDPS Act and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.10.2025.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts, petitioner has clean antecedent, recovered contraband is less than the commercial quantity and there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner, 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 Additional District and Sessions Judge-II-cum-Special Judge (NDPS), Purnea in connection with Rauta P.S. Case No. 78 of 2021, 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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