

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14733 of 2025**

Arising Out of PS. Case No.-114 Year-2024 Thana- Champanagar District- Purnia

Umesh Kumar @ Umesh Kumar Singh @ Umesh Singh S/O Ram Janam  
Singh R/O Village- Champanagar, P.S- Champanagar, Distance- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                          |
|----------------------------|---|--------------------------|
| For the Petitioner/s       | : | Mr. N.K.Agrawal, Sr.Adv. |
|                            |   | Mr.Bidhu Ranjan, Adv.    |
| For the Opposite Party/s : |   | Mrs. Sharda Kumari, APP  |

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

4      29-07-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Champanagar P.S. Case No. 114 of 2024 dated 08.12.2024 registered for the offences punishable u/ss 8(c) and 21(c) of the N.D.P.S. Act.

3. As per the prosecution case, total 3 litres of codeine cough syrup was recovered from the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in



para 3 of the bail petition. The petitioner is in custody since 09.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the said recovery has been made from the house of the petitioner. Learned counsel has further submitted that the seized contraband is commercial quantity i.e. 3 litres of cough syrup containing codeine. The petitioner had no valid authorization for keeping the same. It is further submitted that this case comes under the NDPS Act and Drugs and Cosmetics Act as per section 80 of the NDPS Act. Learned APP for the State also placed reliance on the judgment in the case of *Hira Singh and Anr. Vs. Union of India and Anr, (2020)20 Supreme Court Cases 272* of Hon'ble Apex Court has held that "weight of entire materials/ mixture along with neutral material is to be considered for ascertainment of whether the quantity is "small quantity" or "commercial quantity".

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court



is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of *Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891* has held that “*The length of the period of his custody or the fact that the charge-sheet has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.*”

8. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity of cough syrup containing codeine from the conscious possession of the petitioner, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Champanagar P.S. Case No. 114 of 2024 pending in the court of learned Court of Special Judge, NDPS Act, Purnea.

9. The application stands rejected.

(Chandra Prakash Singh, J)

Gautam/-

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