

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19261 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- JITNA District- East Champaran

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Satyam Jaiswal @ Satya Jaiswal S/O Surendra Prasad Jaiswal @ Surendra Prasad R/O Village- Purnahiya Kothi, P.S- Ghorashan, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan, Adv. Mr. Jayant Kumar Ray, Adv. Mr. Anjani Kumar, Adv. Mr. Shashank Shekhar, Adv. Mr. Prashant Raj, Adv.
For the Opposite Party/s :		Mr. Jawahar Choubey, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 02-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Jitna P.S. case No. 05 of 2025 (N.D.P.S. G.R. No. 04 of 2025) instituted for the offences under Sections 21(c), 22, 25, 29 of the N.D.P.S. Act.

3. As per prosecution case, the police has recovered total 296 pieces of Noophin Injection (2 ml each), 297 pieces of Phenargan Injection (2 ml each), 297 pieces of Diazepam Injection (2 ml each) from the possession of co-accused Vikash Kumar Yadav.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case due to connivance of local medical dealers with the investigating agency. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of the confessional statement of the apprehended co-accused Vikash Kumar Yadav recorded before the police which has no evidentiary value in the eye of law. Charge-sheet has been submitted in this case. Petitioner is in custody since 12.01.2025 and has no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the business of medicine which is run by the father of the petitioner. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act.

5. Learned counsel for the petitioner further submits that the co-accused Sanju Jaiswal @ Sanju Jayasaval has already been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2025 passed in Cr. Misc. No. 19624 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Learned counsel for the State has filed counter affidavit as well as supplementary counter affidavit. Apart from other things, in Para 14 of the supplementary counter affidavit, it has been stated that total 355 pieces of Onerex Cough Syrup (100 ml each) i.e. $355 \times 100 \text{ ml} = 35500 \text{ ml}$ (35.5 liters) were recovered from the house/shop premises of the petitioner and his father. Each 5 ml of the aforesaid cough syrup contains 10 mg of Codeine Phosphate. It is further stated that in view of judgment of the Hon'ble Apex Court in Heera Singh Vs. the Union of India (Cr. App. No. 722 of 2017), the entire mixture/solution which is mixed with Codeine Phosphate, a prohibited drug under the N.D.P.S. Act is to be considered as Psychotropic drug as a whole and is a prohibited article under the N.D.P.S. Act and, thus, total recovery of 35.5 liters of Codeine-containing cough syrup is a psychotropic drug and clearly also more than commercial quantity of 1 Kg.

8. In Para-23 of the supplementary counter affidavit, it has also been stated that total 34500 pieces of Tramoi-50 capsules (50mg) were seized from the house/shop premises of the petitioner and his father. It is also stated that each Tramoi-50 Capsule contains 52.4 mg of Tramadol Hydrochloride, which is prohibited Psychotropic Substance as mentioned in the N.D.P.S.



Act. It is further stated that the amount of Tramadol Hydrochloride as found in the aforesaid 34500 capsules are 52.4 mg multiplied by 1470 i.e. 1470×52.4 equals to 1,807,800 mg i.e. 1807.8 grams (1.8 Kg.) which is much higher than the commercial quantity.

9. Learned counsel for the State further submits that from Para-7 of the case diary, it appears that the Drug Inspector has reported that the seized medicines are covered under the N.D.P.S. Act. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 21(c)/22/25/29 of the N.D.P.S. Act.

10. Learned counsel for the State thus submitted that the petitioner is engaged in sell of prohibited psychotropic substance and are dangerous and injuries to the society as a whole and, thus, the petitioner does not deserve bail.

11. Considering the aforesaid facts and circumstances of the case, clean antecedent, the period of custody undergone by the petitioner as also the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

12. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Jitna P.S. case No.
05 of 2025 (N.D.P.S. G.R. No. 04 of 2025).

(Rudra Prakash Mishra, J)

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