

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41371 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- HARLAKHI District- Madhubani

Md. Salamat Darzi S/o Muslim Darzi R/o Village- Darzi Tola, Ward No. 8,
Janakpur, P.S.- Janakpur, District- Dhanusha, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in connection with Harlakhi P.S. Case No. 16 of 2025 instituted for the offence under Sections 20 and 22 of the N.D.P.S. Act.

3. The case of the prosecution is that on 21.01.2025 police personnel along with SSB had gone for patrolling and vehicle checking and while checking, the accused petitioner was apprehended and from his possession 30 bottles each of 100 ml of cough syrup containing codeine was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. Learned counsel for the petitioner has submitted that the amount of contraband which is contained in aforesaid seizure is of small



quantity. Learned counsel for the petitioner has also submitted that the seizure list does not contain the signature of independent witness. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.01.2025.

5. It is worth mentioning that in the case of **Heera Singh Vs. Union of India 2020 SCC Online SC 382**, hon'ble Apex Court has held that in case of seizure of mixture of narcotics drugs with one or more neutral substances, the quantity of neutral substances is not to be excluded and to be taken into consideration along with actual content by weight of the offending drug while determining the small or commercial quantity of the narcotics drug. Admittedly three liters of the cough syrup containing codeine was recovered.

6. Learned APP appearing for the State has vehemently opposed the prayer for regular bail.

7. Having heard the learned counsel for the parties and considering the commercial quantity of the contraband, I am not inclined to enlarge the petitioner on bail at this stage and, as such, his prayer for bail stands rejected.

8. However, the petitioner will be at liberty to renew



his prayer for bail after six months if the trial is not concluded.

(Ashok Kumar Pandey, J)

Shubham/-

U		T	
---	--	---	--

