

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37292 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Reyazuddin S/o- Mustakim Raien @ Md. Mustakim Raien Resident of
Village- Rampur Keso Daudnagar, PS- Hiramma Shyampur Bhathan District-
Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 28-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with Majorganj P.S. Case No. 123 of 2025 registered for the
offences under Sections 21(C) of the Narcotic Drugs and
Psychotropic Substances Act, 1985 (in short, the “N.D.P.S.
Act”).

3. The accused/petitioner is named in the First
Information Report and is in custody since 26.03.2025.

4. Allegation against the petitioner is to have in
possession of 31 bottles of Onerex (Codeine Phosphate &
Triprolidine Hydrochloride Syrup), where “Codeine” is the



prohibited substance under N.D.P.S. Act, 1985.

5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner was found in possession of cough syrup which appears manufactured by leading manufacturing company, having composition of “Codeine”, as one of its ingredients, duly approved under law.

6. It is submitted that it is not a case like possession of particular psychotropic substance rather the implication is for the reason that one of the composition falls under the category of prohibited drugs. It is submitted that nothing surfaced during investigation which may suggest that petitioner was under knowledge that the composition of seized cough syrup was “Codeine” and, therefore, in want of culpable mental state, as provisioned under section 35 of the N.D.P.S. Act, the implication of section 37 of the N.D.P.S. Act not appears applicable in the present case.

7. Arguing further, it is submitted that legal provision *qua* sealing, search and sampling (SSS) not appears followed in the present case. It is pointed out that with aforesaid evidence the petitioner is in custody for about nine



months.

8. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. In view of aforesaid factual submission and by taking note of the fact as recovery of cough syrup *prima facie* not appears to be made from conscious physical possession of this petitioner, coupled with the fact that petitioner remains in custody since 26.03.2025, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (N.D.P.S. Act), Sitamarhi/ concerned court, in connection with Majorganj P.S. Case No. 123 of 2025, subject to the condition as laid down under



Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya
Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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