

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38152 of 2025

Arising Out of PS. Case No.-121 Year-2024 Thana- GAMAHAIRIYA District- Madhepura

Chandan Kumar Son of Abhinandan Kumar, Resident of Village -
Parmanandpur, Ward No.- 17, P.S.- Parmanandpur, District – Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate.

For the Opposite Party/s : Ms. Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 11-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Gamharia P.S. Case No.121 of 2024 instituted under Section
21(c) of N.D.P.S. Act and Section 30(a) of Bihar Prohibition and
Excise Act.

3. As per the prosecution case, on secret information
regarding carriage of illegal Codein Syrup, the police team
conducted a raid and recovered 1180 bottles, containing 100 ml.
each i.e. total 118 litre Wiscuf Cough Syrup (Codeine Phosphate
Syrup) from the Maruti Suzuki S-Spresso Car bearing
Registration No. BR-43-Y-5270.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. He further submits that petitioner was not present on the spot rather his name has been implicated in this case due to the fact that a mobile phone was found in the seized car in which SIM of petitioner was inserted. Learned counsel submits that no incriminating article has been recovered from the conscious possession of petitioner. He further submits that there is no compliance of mandatory provisions of search and seizure. Learned counsel submits that petitioner has no concern with the seized material. He further submits that petitioner has no criminal antecedent and he is in judicial custody since 24.03.2025.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioner and submits that the recovered 118 litre Codein Cough Syrup comes under the commercial quantity under the N.D.P.S. Act and the SIM of petitioner was found in the seized car in which contraband was recovered and there was conversation from the said mobile at the time of occurrence. The petitioner has also accepted his involvement in the offence. Therefore, the petitioner does not deserve the privilege of bail.

6. Considering submissions made on behalf of the parties, facts and circumstances of the case, the allegation



against the petitioner and the fact that the recovered Codeine Cough Syrup comes under commercial quantity, this Court is not inclined to enlarge the petitioner above-named on bail. Accordingly, the prayer of bail of the petitioner is rejected.

(Sunil Dutta Mishra, J)

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