

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46846 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- BANMANKHI District- Purnia

LAKKI @ MD LAKKI @ LAICK @ MD LAYEEK Son of MD MOBIN
R/O VILL - ANSARI TOLA, DHARHARA, PS BANMANKHI, DISTRICT-
PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Banmakhi P.S. Case No. 23 of 2025 instituted for the
offences under Sections 8(c), 21(c) , 25 of the NDPS Act.

3. Prosecution allegation, in short, is that total 7.5
litres of cough syrup containing codeine has been recovered in
this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case due to ulterior motives. The petitioner has no
criminal antecedent. There is no allegation of tampering of
witnesses alleged against the petitioner. Learned counsel further



submits petitioner was not present at the place of occurrence rather his name was disclosed by the arrested person. No incriminating article has been recovered from the conscious possession of the petitioner or from his house.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned A.P.P. has further relied upon a case of Hon'ble Supreme Court since reported in **(2020) 20 SCC 272 (Hira Singh and Another versus Union of India and Another)** in which the Hon'ble Apex Court held that in case of seizure of mixture of narcotic drugs or psychotropic substance with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by way of offending drug while determining the "small or commercial quantity" of narcotic drugs or psychotropic substance.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant anticipatory bail



to the petitioner.

7. The prayer for grant of anticipatory bail to the petitioner is rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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