

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51056 of 2025**

Arising Out of PS. Case No.-201 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Md. Yusuf Siddiqui S/o Md. Akhatar Miyan @ Md. Akhatar R/O Village -  
Majorganj Ward no. 11 P.S - Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. N.N. Tiwary, APP

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

ORAL ORDER

4      10-11-2025      Heard Mr. Uday Kumar, learned counsel for the petitioner and Mr. N.N. Tiwary, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Majorganj PS Case No. 201 of 2025 instituted for the offences under Section 21 (c) of the NDPS Act.

3. The prosecution case in brief is that on 27.05.2025, police caught the petitioner fleeing with a black plastic bag, from which 20 bottles of codeine syrup and one mobile phone were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is in custody since 28.05.2025 and



has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner has no concern with the recovered contraband. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. by referring to the counter affidavit 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 bail to the petitioner.

7. The prayer is *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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