

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60808 of 2025

Arising Out of PS. Case No.-196 Year-2025 Thana- SONBERSA District- Sitamarhi

Manoj Paswan S/o Late Chhathu Paswan R/o Village- Sonbarsa, P.S.-
Sonbarsa, Dist.- Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India through the Ministry of Home Affairs, New Delhi New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Adv.
For the Opposite Party/s	:	Mr. Pushpa Sinha, APP
For the UOI	:	None

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 15-09-2025

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sonbarsa P.S. Case No. 196 of 2025 dated 03.07.2025 registered for the offences punishable under Section 21 (c) of the NDPS.

3. As per the prosecution case, on 03.07.2025 after getting secret information Police party reached Sonbarsa Bazar and saw that some people were unloading goods like cartoons



from vehicles. On seeing police they started fleeing, the police party chased and caught hold of the petitioner. Upon search 1200 bottles 100 ml each Onerex cough syrup containing codeine phosphate was recovered from the Auto and 360 bottles 100 ml each Onerex cough syrup was recovered from the house of the petitioner and upon disclosure statement 720 bottles 100 ml each Onerex cough syrup was recovered behind the house of one Anil Paswan i.e. total 2280 bottles 100 ml each Onerex cough syrup was seized.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case due to dirty village politics and biased intention. The prosecution story is false and concocted and does not appeal to normal reasoning. The petitioner is not the owner of the said goods. Nothing has been recovered from the conscious possession of the petitioner and recovery has been made from the joint house of the petitioner belonging to the entire family. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 03.07.2025.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity. The petitioner has no any valid



authorization for keeping the same. Learned APP for the State has placed reliance on the judgment in the case of **Hira Singh and Anr. Vs. Union of India and Anr, (2020)20 Supreme Court Cases 272** of Hon'ble Apex Court has held that "weight of entire materials/ mixture along with neutral material is to be considered for ascertainment of whether the quantity is "small quantity" or "commercial quantity". It is further submitted that codeine is mentioned in the Entry No. 28 of the N.D.P.S. Act. The act of the petitioner amounts to clear violation of section 8 of the N.D.P.S. Act as it clearly prohibits possession of narcotic substance except medical and scientific purposes.

6. As per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with :-

(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and

(ii) He is not likely to commit any offence while on bail.

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case. The Hon'ble Supreme Court in the case of **Narcotics Control Bureau v. Mohit Aggarwal 2022 SCC OnLine SC 891** has held that "The length of the period of his custody or the fact that the charge-sheet



has been filed and the trial has commenced are by themselves not considerations that can be treated as persuasive grounds for granting relief to the respondent under Section 37 of the N.D.P.S. Act.”

8. Considering the aforesaid facts and circumstances of the case as well as the recovery of commercial quantity of codeine cough syrup from the conscious possession of the petitioner, this court is not inclined to grant bail to the petitioner and the same is rejected in connection with Sonbarsa P.S. Case No. 196 of 2025, pending in the Court of learned Sessions Judge cum Special Judge (NDPS Act), Sitamarhi .

9. Learned court below is directed to conclude the trial of the petitioner at the earliest.

10. The application stands rejected.

(Chandra Prakash Singh, J)

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