

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60645 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- ANGARGHAT District- Samastipur

Soni Kumari D/o Mahendra Ram @ Mahindra Ram Resident of Ward No. 10/46, Dhamsaini, P.S.- Saharsa Sadar, District- Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subesh Sharma

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-11-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Angarghat P.S. Case No. 68 of 2025 dated 18.06.2025 registered for the offences punishable u/ss 28, 27(b)(ii), 27(d) of the Drug and Cosmetics Act and Sections 8, 21(c) and 22(b) of the NDPS Act.

3. As per the prosecution case, total 97.4 litres of wiscodin cough syrup was recovered from the Swift Dzire Car.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is a lady. The petitioner has no concern with the alleged recovery. Nothing has been recovered from the



conscious possession of the petitioner. The said vehicle was being driven by the co-accused Bittu Kumar. The other co-accused person has already been granted bail by this court vide order dated 27.08.2025 passed in Cr. Misc. No. 56230/2025. The petitioner has clean criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 19.06.2025.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the seized contraband is commercial quantity i.e. 97.4 litres of wiscodin cough syrup and the petitioner has no any valid authorization for keeping the same. The petitioner was found sitting in the said vehicle. It is further submitted that this case comes under the N.D.P.S. Act and the Drugs and Cosmetics Act as per section 80 of the N.D.P.S. Act. 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 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 Angarghat P.S. Case No. 68 of 2025, pending in the Court of learned Principal District and Sessions Judge, Samastipur.

9. The application stands rejected.

(Chandra Prakash Singh, J)

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