

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65795 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- SARSI District- Purnia

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Firoz Yusuf Shekh S/O Late Yusuf Shekh Resident of H. No. 4- 31-601, Jai Bazarang Nagar, Gaarkhera, Aurangabad (Maharashtra). Permanent resident of Village- Dhamgaon, P.S- Fulambari, Distt.- Aurangabad (Maharashtra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sarsi P.S. Case No. 133 of 2025 instituted for the offences under Sections 8(c), 21(c), 25, 29 of the NDPS Act.

3. Prosecution allegation, in short, is that the 4000 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. The petitioner is in custody since 28.06.2025 and



has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner is not the owner of the truck and is only the driver of the truck and he has no knowledge regarding the goods loaded in the vehicle.

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 bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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