

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63736 of 2025

Arising Out of PS. Case No.-240 Year-2025 Thana- BAISI District- Purnia

Md. Amin @ Amin, aged about-31 years, S/O Md. Salim Resident of Malegaon, Room No. 6, Sarwe No. 7011, Flat No. 2, Noori Meman Colony, P.S- Aisanagar, District- Nasik (Maharashtra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 26-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner is in custody in a case registered for the offences punishable under Sections 8(c), 21(c), 25, 29 of the Narcotic Drugs and Psychotropic Substances Act.

3. As per allegation in the FIR, 200 small bags which were concealed inside the Flattened rice 'CHURA' bags have been recovered from a truck bearing Registration No. JH-09BJ-2835 and in each bags, there were two cartoons ie. total 400 cartoons. In each cartoon, there were 100 bottles codeine syrup in each cartoons ie. 400 x 100 40,000 Bottles containing 100 ml. codeine syrup (Total 4000 Liters). On demand of paper regarding transportation of codeine syrup from the driver of the



vehicle but driver of the vehicle did not produce any valid paper regarding transportation of banned codeine syrup in the said truck.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. He next submits that petitioner has no concern with the alleged offence and he is only a professional driver, who used to run a truck under a daily wages. He next submits that petitioner is not the owner of the said truck, one another co-accused person, namely, Riyaz had called the petitioner at Bagodar and handed over the truck to the petitioner. He next submits that petitioner had no idea about the alleged contraband codeine loaded in the truck. He submits that petitioner is in custody since 20.06.2025 and has got no criminal antecedents as stated in para-3 of the bail petition.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the First Information Report, case diary and impugned order dated 28.07.2025, it appears that there is direct and specific allegation against the petitioner that he was driver of the truck from which the alleged recovery of 40,000 bottles codeine cough syrup has been recovered. Further the



total weight of the seized material, including any neutral substances mixed with the offending drug (e.g., in cough syrup, or other preparations), must be considered to determine whether the quantity is “small” or “commercial”. This principle was affirmed by a three-judge bench in the case of *Hira Singh vs. Union of India (2020)*, which held that the legislative intent was to consider the street weight of the drug in diluted form. The weight of the carrier (e.g., a towel or bedsheet) itself is generally not included, but the mixture is. So, considering all facts and circumstances of the case submission of learned counsel of both the parties, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Harshita/-

U		T	
---	--	---	--

