

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73294 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- JAIPUR District- Banka

1. Chandan Yadav @ Chandan Kumar Yadav Son of Shmabhu Yadav Resident of Village - Basani, Ward no. 8, P.S. - Bhawanthpur, Dist. - Garhwa(Jharkhand).
2. Raju Kumar Yadav Son of Shivchand Yadav Resident of Village - Basani, Ward no. 8, P.S. - Bhawanthpur, Dist. - Garhwa(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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

ORAL ORDER

2 30-10-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Jaipur PS
Case No. 50 of 2025 instituted for the offences under Sections
21(c), 22(c) & 25 of the NDPS Act.

3. Prosecution allegation, in short, is that the police
intercepted a truck on 27.06.2025 at about 8:20 PM, during
which one person fled while driver Chandan Yadav (petitioner
No.1) was arrested. On search, 20,000 bottles (100 ml each,
total 2000 litres) of codeine cough syrup were recovered from
the truck cabin.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. The petitioners are in custody since 28.06.2025 and have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel further submits petitioners are driver and *khalasi* of the truck in question, respectively and they were unaware about the illegal contraband kept in the vehicle. 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 petitioners. 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 petitioners.

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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