

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6266 of 2026

Arising Out of PS. Case No.-59 Year-2025 Thana- JOGBANI District- Araria

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1. Sajjad @ Md. Sajjak Baitha @ Md. Sajjak Son of Alauddin @ Haiya Baitha Resident of village- Amouna, Ward no. 02, Ps- Jogbani, Dist- Araria
 2. Imtaz @ Md. Imtiyaj son of Abdul Rahman @ Md. Rahman Resident of village- Amouna, , Ps- Jogbani, Dist- Araria
 3. Md. Razaq Vaitha @ Md. Razaq @ Razaq son of Sarfan Baitha @ Chappa Baitha Resident of village- Amouna, , Ps- Jogbani, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Jogbani P.S. Case No. 59 of 2025, instituted for the offences under Section 21(c) of the NDPS Act.

3. Prosecution allegation, in short, is that total 1454 bottles of Eskuf Cough Syrup and 4200 Nitrazepam Tablets IP 10mg recovered in this case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. The petitioners have got no criminal antecedent.



There is no allegation of tampering of witnesses alleged against the petitioners. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submits that name of the petitioners transpires in this case on the basis confessional statement of co-accused Umar Farooq.

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 of the petitioners for grant of anticipatory bail is rejected. The petitioners are directed to surrender before the learned court below within six weeks and seek regular bail.

(Rudra Prakash Mishra, J)

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