

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4938 of 2026

Arising Out of PS. Case No.-471 Year-2025 Thana- EXCISE NAUGACHIA District-
Bhagalpur

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Manjeet Kumar Son of Jagdish Sah Resident of - Maniamore Ward No. 12,
PS. - Naugachia, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brajesh Verma, Advocate
For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner who apprehends arrest in connection
with Naugachia Excise P.S. Case No. 471 of 2025 lodged on
18.10.2025, for the offences punishable under sections 21(c) and
22(c) of the Narcotic Drugs and Psychotropic Substances Act,
1985.

3. As per the prosecution, total recovery of 1270 litre
of cough syrup containing Codeine is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. It is
apparent from the F.I.R. itself that the alleged recovery was not



effected from the possession of the petitioner; rather, the said recovery was made from the house of one Sita Devi, who is the landlady. Learned counsel further submits that since the recovery was not made from the conscious possession of the petitioner, he has been unnecessarily implicated in the present case. It is further submitted that admittedly the name of the petitioner had earlier figured in a case under the N.D.P.S. Act, in which this Court was pleased to grant him bail vide order dated 20.07.2024 passed in Criminal Miscellaneous No. 43069 of 2024.

5. Learned APP for the State vehemently opposes the prayer for bail and submits that the antecedent of the petitioner is not clean. It is submitted that despite having been granted anticipatory bail earlier in a case involving recovery of 79 bottles of cough syrup, each containing 100 ml of Codeine Phosphate, the petitioner has again been found involved in a similar offence.

6. After hearing the parties and on perusal of the materials available on record, it transpires to this Court that in the earlier case, 79 bottles of cough syrup, each containing 100 ml of Codeine Phosphate, were recovered, whereas in the present case, a huge quantity of about 1270 litres of cough syrup



containing Codeine has been recovered. In view of the repeated involvement of the petitioner in offences under the N.D.P.S. Act, this Court is not satisfied that the petitioner is not likely to commit any offence while on bail. Consequently, in view of the embargo contained under Section 37(1)(b)(ii) of the N.D.P.S. Act, the petitioner is not entitled to the privilege of bail.

7. Accordingly, the prayer for bail of the petitioner in connection with Naugachia Excise P.S. Case No. 471 of 2025, pending before the learned Principal Sessions Judge, Bhagalpur is hereby rejected.

(Dr. Anshuman, J)

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