

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5799 of 2026

Arising Out of PS. Case No.-483 Year-2025 Thana- AMARPUR District- Banka

Aman Kumar Son of Arjun Prasad Yadav Resident of Village- Pathadda, P.S.-
Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 24-02-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Amarpur (Fullidumar) P.S. Case No.483 of 2025, F.I.R dated 09.07.2025 registered for the offences punishable under Sections 21(c) and 22(c) of the N.D.P.S. Act.

3. According to prosecution case, on 09.07.2025 at about 9:30 PM, the informant along with police officials was on patrolling duty near Fullidumar Hatia. Around 9:40 PM, a motorcyclist coming from Itahari attempted to flee after noticing



the police and fell while trying to escape, but managed to run away. Upon searching a bag left behind, the police recovered 3.100 lts of cough syrup and prepared a seizure list accordingly.

4. Learned counsel for the petitioner submits that from the F.I.R., it appears that the recovery is said to have been made from the motorcycle which belongs to the petitioner and the petitioner is said to have fled away from the place of occurrence by leaving the said motorcycle from where the recovery of cough syrup, as is reflected from the seizure list which forms part of the F.I.R. Learned counsel for the petitioner does not deny the fact that he is the owner of the alleged motorcycle bearing Reg. No.BR10AQ1739 from where 3.10 ltr of cough syrup is said to have been recovered and has not been able to produce the invoices with regard to such recovery having been made.

5. Learned counsel for the petitioner is not in a position to explain as to whom the supply was meant, either for distribution or for any licensed dealer dealing with pharmaceutical products and in the absence of any other valid explanation for effecting the transportation of such a huge quantity of cough syrup which contained the narcotic substance of codeine phosphate beyond the prescribed limit. Hence, the



application for grant of anticipatory bail has not been made out and such view has been taken by the Hon'ble Apex Court in the case of ***Mohd. Sahabuddin and Anr. v. The State of Assam*** reported in ***(2012) 13 SCC 491***. The relevant extract of the judgment is reproduced hereunder :-

“10. It is not in dispute that each 100 ml bottle of Phensedyl cough syrup contained 183.15 to 189.85 mg of codeine phosphate and the each 100 ml bottle of Recodex cough syrup contained 182.73 mg of codeine phosphate. When the appellants were not in a position to explain as to whom the supply was meant either for distribution or for any licensed dealer dealing with pharmaceutical products and in the absence of any other valid explanation for effecting the transportation of such a huge quantity of the cough syrup which contained the narcotic substance of codeine phosphate beyond the prescribed limit, the application for grant of bail cannot be considered based on the above submissions made on behalf of the appellants.”

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and circumstances and there being no valid explanation for being in possession of such huge quantity of cough syrup, this Court is not inclined to



grant the privilege of anticipatory bail to the petitioner.

8. Accordingly, the anticipatory bail application stands
rejected.

(Ajit Kumar, J)

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