

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17746 of 2026

Arising Out of PS. Case No.-28 Year-2026 Thana- BHELDI District- Saran

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Varun Kumar Son of Bhola Bhagat Resident of Village- Koreyan, P.S.-
Bheldi, District- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Eashita Raj, Advocate
: Ms. Priyanka Singh, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-03-2026 Heard Ms. Eashita Raj, learned counsel for the

petitioner and Mr. Anand Kishore Choudhary, learned A.P.P. for

the State.

2. The petitioner seeks bail, who is in custody since
20.01.2026 in connection with Bheldi P.S. Case No. 28 of 2026,
F.I.R. dated 20.01.2026 registered for the offence punishable
under Section 21(b) of N.D.P.S. Act.

3. FIR of this, case has been registered on the basis of
typed application of informant S.K. Jha S.I. of Bheldi P.S. that
on 19.1.2026 at about 23.00 O'clock of night, the informant got
an information that the petitioner and other co-accused persons
have brought drug paraphernalia in huge quantity and have kept
the same in their house. On getting this information, the



informant along with other police personnel raided the house of the accused persons and recovered banned cough syrup (drug paraphernalia) 250 pieces of 100 gram total 25 liters from house of the petitioner and other accused petitioners. Seizure list was prepared and petitioner and other co-accused persons apprehended confessed that they brought the recovered banned cough syrup in their house and sold them for Rs. 250/- each to the villagers.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. It appears from the FIR that 250 bottles of 100 ml each of ESKUF Cough Syrup, which is CODEINE PHOSPHATE & TRIPROLIDINE HYDROCHLORIDE SYRUP has been recovered from the house of the petitioner.

5. Learned counsel for the petitioner submits that the Central Government has issued Notification No. S.O. 826(E) dated 14.11.1985 which is given hereunder:-

“S.O. 826(E). - In Exercise of the powers conferred by sub-clause (b) of clause (xi) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central



Government hereby declares the following narcotic substances and preparations to be manufactured drugs, namely :-

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35. Methyl morphine (commonly known as 'Codeine') and Ethyle morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 miligrams of the drug per dosage unit, and with a concentration of not more than 2.5% in undivided preparations and which have been established in Therapeutic practice.

xxx”

6. In this case, Codeine phosphate cough syrup has been recovered and the concentration of the codeine in this drug is approximately 0.2% which is less than 2.5% as provided in the above notification so the present case does not fall under the N.D.P.S. Act which falls under the Drugs and Cosmetic Act and



the petitioner is in custody since 20.01.2026.

7. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saran in connection with Bheldi P.S. Case No. 28 of 2026, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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