

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31183 of 2026

Arising Out of PS. Case No.-21 Year-2026 Thana- BARGAINIA District- Sitamarhi

Prashant Kumar S/o Harihar Kumar R/o - Bairgania Ward No. 13, P.S -
Bairgania, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Saroj Kumar Choudhary, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 11-05-2026 Heard learned Senior counsel for the petitioner and
learned APP for the State.

2. The petitioner has prayed for bail in connection
with Bairgania P.S. Case No.21 of 2026 registered for the
offence punishable under Section 21(c) of the NDPS Act.

3. The case of the prosecution, in short, is that from
the medicine shop of the petitioner, following drugs were
recovered :-

- “1.Buprnrnorphine injection Batch no- BUF325007
925 Ampule (0.2m per Ampoule) Exp-08-2027
2. Nitzascen-10 – 3000 tab batch no- CBT25- 1352
Exp- 09/2027
3. Nitzascen-10 – 200 tab batch no – CBT25- 1358
Exp-09/2027
4. Spasmo Proxyvon Plus Cap 672 cap B/no



XAA10480 Exp-July2027

5. Diazepam injection- 831 Ampule Bno-DA2502(0.2m per Ampoule) Exp-03-2027
6. Diazepam injection 81 Ampule Bno-DA2411(0.2m per Ampoule) Exp-03-2026
7. Codisrin Coughy 100ml Syp-22 bottel Bno- SGL 125003 Exp-08/2027
8. Berry Coff cough 100ml Syp-95 bottel Bno-JLN25-071 Exp-11/2027
9. Phenergan Injection Batch no NCL0179 – 795 ampoule Exp- 07/2028
10. Cocasdx cough syrup 100ml Bno-25J30699 170 Bottle Exp- 09/2027
- 11.Cocasdx cough syrup 100ml Bno-25H30832 120 Bottle Exp- 09/2027
- 12.Cocasdx cough syrup 100ml Bno-25L3113 40 Bottle Exp- 09/2028
- 13.Cocasdx cough syrup 60ml Bno-25J3145 75 Bottle Exp- 09/2027”

4. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is bonafide license holder and he has also annexed the License Retention Letter which is annexed as Annexure-2. Learned counsel for the petitioner has submitted that from perusal of the License Retention Letter it is clear that license no. 20B and 21B are valid upto 17.10.2027. Learned counsel for the petitioner has submitted that the petitioner is having no criminal antecedent and he is in judicial custody since 21.01.2026.

5. The drugs which have been recovered from the



possession of the petitioner are at most Schedule-h drug and for that in Drugs and Cosmetics Act, there is provision that a separate register has to be maintained. If the register is not maintained, then also a case under Drugs and Cosmetics Act should have been filed. It is not a case of NDPS. As the petitioner is the bonafide license holder, no case is made out against him.

6. The application for bail is opposed by learned APP for the State.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge (NDPS), Sitamarhi in connection with Bairgania P.S. Case No.21 of 2026.

(Ashok Kumar Pandey, J)

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