

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33350 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- Bhittha District- Sitamarhi

Ranjeet Mukhiya @ Ranjit Kumar Mukhiya S/O Nirgun Mukhiya @ Niguna Mukhiya R/O village- Shri Khandi, Bhittha @ ward no. 3, Shri Khandi Bhittha @ ward no. 3 Shri Khandi Bhittha Purvi, P.S.- Bhittha, Dist.- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. The Union Of India Through the Ministry of Home Affairs, New Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bhittha P.S.
Case No. 11 of 2026 instituted for the offences under Sections 21 (c)
of the NDPS Act.

3. The allegation is that about 1.200 litres of codeine
phosphate cough syrup and 15 strips of Tramadol containing
Pyeevon spas capsule was recovered from the petitioner.

4. Learned counsel for the petitioner submit that the
petitioner is innocent and have falsely been implicated in the present
case and no incriminating article has been recovered from the
conscious possession of the petitioner. The petitioner is in custody
since 01.02.2026 and has clean antecedent.



5. Learned counsel for the petitioner has submitted 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 milligrams 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. Learned APP appearing for the State has vehemently opposed the application for bail and has submitted that in the case of ***Hira Singh and Anr. V. Union of India and Anr.***, the Hon'ble Supreme Court has held that entire non-toxic material which is mixed with the contraband will be considered as the contraband and as such, the quantity which has been recovered from the possession of this petitioner is commercial quantity.

7. In this regard, it is worth mentioning that in view of Section 2(d) of NDPS Act, the drug itself is not a narcotic drug and therefore there is no jurisdictional basis for the case at hand and hence, this Court would not have a reason to go into the questions of quantities.



Also, this Court is of the view that the decision of *Hira Singh* (supra) loses its relevance and the same is meant for situations where the items are narcotic. The petitioner also has clean antecedent, therefore, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge NDPS Act, Sitamarhi/concerned Court in connection with Bhittha P.S. Case No. 11 of 2026.

9. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

Siddharth Soni/-

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