

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34882 of 2026

Arising Out of PS. Case No.-60 Year-2026 Thana- MAHESHKHUNT District- Khagaria

Sanu Kumar Son of Baijnath Yadav Resident of Village- Kanp, P.S.- Sour Bazar, District- Saharsa, At present residing at N.I.T. Ghat, P.S.- Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Union of India India.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in N.D.P.S. Case No. 18/2026, arising out of Maheshkhunt P.S. Case No. 60 of 2026 registered under Section 21(c) of the N.D.P.S. Act.

3. In course of vehicle checking one Bolero pick up was stopped. Petitioner and other accused person were apprehended. From the vehicle 239.200 litre of illegal codeine cough syrup was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Petitioner is in custody since 11.04.2026 having



clean antecedent. Learned counsel further submits that as per notification of Government of India of 1985 any mixture containing less than 2.5 MG of Codeine will not come within the definition of narcotic. The content of codeine in these syrups are around 0.2%. Thus, this preparation will not come within the definition of narcotic in the NDPS Act. In such view of the matter the judgment of *E. Micheal Raj Vs. Intelligence Officer, Narcotic Control Bureau* reported in (2008) 5 SCC 161 and *Hira Singh and Another Vs. Union of India and Another* reported in 2020 INSC 348 have no application and thus, there is no question of calculation of the small, intermediate or commercial quantity in the case. The matter essentially falls within Drugs and Cosmetic Act.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering that the case falls under the Drugs and Cosmetic Act and not under the NDPS Act, this bail application is allowed.

7. Accordingly, 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 the learned Special Judge (N.D.P.S. Act),



Khagaria in connection with N.D.P.S. Case No. 18 of 2026,
arising out of Maheshkhunt P.S. Case No. 60 of 2026.

8. 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)

Ranjeet/-

U		T	
---	--	---	--

