

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36495 of 2026

Arising Out of PS. Case No.-91 Year-2026 Thana- SUPAUL District- Supaul

Dilip Kumar Yadav @ Dilip Kumar S/o Kameshwar Yadav R/o Village -
Lalganj, Ward no. 11, P.S. - Supaul, Dist. - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pratibha Srivastava, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-06-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Supaul P.S. Case No. 91 of 2026 registered for the offences punishable under Sections 21(b), 22(c), 25(A), 29 of NDPS Act.

3. As per FIR upon raid on 04.02.2026, the police seized 65 pieces of NRx Buprenorphine Injection I.P LEEGESIC, 600 pieces of NRx Buprenorphine Hydrochloride Injection I.P. Batch No. NB- 521, 480 pieces of Pheniramine Maleate Injection I.P. (A VIL) Batch No. 321325033 and 130 pieces of Pheniramine Maleate Injection IP (AVIL) Batch No. 321325030 from the house of the petitioner.



4. It is submitted by learned counsel appearing on behalf of the petitioner that upon raid the father of the petitioner was apprehended by police with seized drugs leading to implication of petitioner as he is the son and also residing in same house. It is pointed out that as the house, in issue, is occupied by different adult family members, therefore, it cannot be said that recovery of alleged contraband/ drug was made from conscious physical possession of this petitioner. It is also submitted that the search of house was not in compliance with Section 103(4) of the BNSS and moreover, the seizure list not appears supported by independent witnesses. Petitioner calimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that contraband in this case is "**Buprenorphine**". In this context it is further submitted that any recovery above 20 grams is commercial quantity in case of "**Buprenorphine**", therefore, total of 665 piece of Buprenorphine injection suggests that the recovery was above commercial quantity. It is also submitted that



petitioner is the son of the apprehended co-accused person living in the same house and therefore, he is not in position to negate his culpable mental state *qua* recovered contraband. It is also submitted that in view of rigors available under Section 37 of NDPS Act, the petitioner is not entitled for bail.

6. In view of aforesaid factual submission and by taking note of fact as *prima-facie* the recovery of contraband appears more than commercial quantity, where the factual aspect of this case suggesting *prima-facie* that petitioner was under culpable mental state *qua* recovered drugs, accordingly, the prayer for anticipatory bail of petitioner stands **rejected**.

(Chandra Shekhar Jha, J)

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