

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45742 of 2026

Arising Out of PS. Case No.-22 Year-2026 Thana- TRIVENIGANJ District- Supaul

Manoj Sardar S/o Soganand Sardar @ Sognand Sardar R/o Village -
Shivnagar, Ward No. 9, P.S - Triveniganj, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 14-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in NDPS Case No. 12 of
2026, Triveniganj P.S. Case No. 22 of 2026 instituted for the
offences under Sections 21(c), 22(c), 25, 29 of the NDPS Act.

3. Prosecution allegation, in short, is that total 255.880
litres of codeine containing cough syrup has been recovered in
this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is in custody since 11.01.2026 and
has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. He further



submits nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the house. Learned counsel further submits the co-accused, namely, Bajrang Kumar has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 07.05.2026 passed in Cr. Misc. No. 31776 of 2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the alleged recovery has been made from the house of the petitioner. Learned A.P.P. submits that recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned A.P.P. has further relied upon a case of Hon'ble Supreme Court since reported in **(2020) 20 SCC 272 (Hira Singh and Another versus Union of India and Another)** in which the Hon'ble Apex Court held that in case of seizure of mixture of narcotic drugs or psychotropic substance with one or more neutral substance(s), the quantity of neutral substance(s) is not to be excluded and to be taken into consideration along with actual content by way of offending drug while determining the "small or commercial quantity" of narcotic drugs or psychotropic substance.

6. Considering the aforesaid facts and circumstances



of the case and recovery of contraband beyond commercial quantity coupled with embargo under Section 37 of the N.D.P.S. Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

8. Learned Trial Court is directed to conclude the trial in expeditious manner without any undue delay and unnecessary adjournment.

(Rudra Prakash Mishra, J)

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