

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44969 of 2026

Arising Out of PS. Case No.-190 Year-2026 Thana- UJIYARPUR District- Samastipur

Aarzoo @ Aanas @ Md. Aarzoo @ Md. Aanas @ Md. Anas S/o Md. Haider
Ali Resident of village- Chaknawada, P.S.- Dalsingsarai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, 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 connection with Ujiarpur PS Case No. 190 of 2026 instituted for the offences under Sections 8, 21(c) & 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 18(A) & 18(c) of the Drugs and Cosmetic Act, 1940.

3. Prosecution allegation, in short, is that during a special vehicle checking drive on 10.05.2026, the police intercepted the motorcycle of the petitioner and the co-accused. From the bag of the petitioner, 31 bottles of Berrycof Syrup (100 ml each), containing Codeine Phosphate & Triprolidine HCl, totaling 3.1 litres, along with a mobile phone, were recovered and seized.



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 12.05.2026 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner has no concern with the recovered contraband. There is no compliance of Sections 42 and 50 of the NDPS Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to 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. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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