

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50255 of 2025**

Arising Out of PS. Case No.-113 Year-2025 Thana- HARLAKHI District- Madhubani

Vickky Kumar S/o- Ravindra Bhandari Resident of village- Gurghapatti PO-  
Pipround PS- Harlakhi District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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

ORAL ORDER

5      06-02-2026      Heard Mr. Shailendra Kumar Jha, learned counsel for the  
petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with Harlakhi  
P.S. Case No. 113 of 2025 instituted for the offences under  
Sections 20 & 22 of the NDPS Act.

3. Prosecution allegation, in short, is that total 49 bottles  
of cough syrup bottles containing codeine, 150 Nitrazepam  
tablets, 200 grams charas and 100 grams ganja 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 10.05.2025 and  
has got no criminal antecedent. There is no allegation of



tampering of witnesses alleged against the petitioner. Learned counsel further submits that the contraband recovered are less than commercial quantity. He further submits that 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 recovery of contraband excluding the cough syrup is less than small quantity. He further contends that the recovery of cough syrup containing codeine 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. Bail of other co-accused is rejected by this Court vide order dated 25.09.2025, passed in Cr. Misc. No. 49327 of 2025.



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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