

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55720 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- SIMRI District- Darbhanga

Shashi Bhushan Kumar S/O Ramugrah Ray Village- Govindpur Jhakharaha,
P.S.- Rajapakar, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

3 05-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in connection with
Simri Bazar P.S. Case No. 277 of 2024 registered for the
offences punishable under Sections 8(c), 21(c), 22(c), 29 and 35
of the NDPS Act.

3. The prosecution case, in short, is that there is
recovery of total 720 litres cough syrup and 27 bags of
soyabean, each containing 20 Kg, from pick-up vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Learned counsel for the petitioner also submitted
that the petitioner was not present at the place of occurrence.



Name of the petitioner has transpired in this case as being owner of the alleged pick-up vehicle in question. It is next submitted that the petitioner was completely unaware of the misusing the vehicle by the seller in such illegal activity. The petitioner has got one criminal antecedent. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. 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 total constituents of codeine in 720 litres of cough syrup comes to about 1.440 Kg, which is above the commercial quantity hence, there is bar under Section 37 of the N.D.P.S. Act.

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.

(Rudra Prakash Mishra, J)

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