IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59581 of 2026

CNR No. BRHC010859242026

Arising Out of PS. Case No.-73 Year-2026 Thana- JOGBANI District- Araria

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Sanjit Yadav son of Lakhan yadav Resident of Village- Tikuliya basti Ward no. 3, PS -Jogbani Distt -Araria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ramakant Yadav, Adv.
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR

ORAL ORDER

3 27-10-2026 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P appearing on behalf of the State.

2. The petitioner seeks regular bail in connection with Jogbani P.S. Case No. 73 of 2026 registered for the offences punishable under Sections 21 and 22 of the N.D.P.S. Act.

3. As per the prosecution case, in brief, is that on 31.03.2026, during the search, 108 strips of Nitrazepam Tablets I.P. (Nitzascen-10), 49 strips of Spasmo Proxyvon Plus Capsules, 30 strips of Spasz Plus Capsules, 19 strips of Carispas-1 Capsules, and a total of 2.70 litres of Xodex and Eskuf cough syrups were allegedly recovered from the house of Sanjit Yadav. Thereafter, on the basis of the informant's written

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report, a formal F.I.R. was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent, committed no offence, and has been falsely implicated in the present case. He next submits that no contraband article has been recovered from the conscious possession of the petitioner; rather, the alleged recovery has been made from the petitioner's house. He further submits that the charge-sheet has already been submitted in the present case and the petitioner has three criminal antecedents. Learned counsel further submits that the petitioner has been in judicial custody since 22.06.2026., therefore, the petitioner deserves to be enlarged on regular bail.

5. Learned A.P.P. appearing on behalf of the respondent-State vehemently opposes the prayer for bail and submits that the petitioner was involved in the sale and smuggling of banned cough syrups and medicines. He further submits that a total of 2.70 litres of Xodex and Eskuf cough syrups, along with 108 strips of Nitrazepam Tablets I.P. (Nitzascen-10), 49 strips of Spasmo Proxyvon Plus Capsules, 30 strips of Spasz Plus Capsules and 19 strips of Carispas-1 Capsules, have been recovered from the petitioner's house. He submits that the seized contraband falls within the ambit of

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commercial quantity under the N.D.P.S. Act. Learned A.P.P. further submits that there is a specific allegation against the petitioner, and he is the sole named accused in the present case. He lastly submits that the petitioner has three criminal antecedents, two of which relate to offences under the N.D.P.S. Act. He, therefore, submits that the petitioner does not deserve to be enlarged on bail.

6. Considering the quantum of recovery of prohibited cough syrup which is to the tune of 2.70 litres from the house of the petitioner and as per Section 37 of the N.D.P.S. Act, the two conditions are that the Court should be satisfied with:-

> *(i) There are reasonable grounds for believing that the accused is not guilty of such offence; and*
>
> *(ii) He is not likely to commit any offence while on bail.*

7. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. The Court is of the opinion that the parameters of bail available under Section 37 of the Act have not satisfied in the facts of the instant case.

8. Considering the aforesaid facts and circumstances of the case, upon perusal of the case diary and taking into

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consideration the fact that the seized contraband is stated to be of commercial quantity, coupled with the fact that there is a direct allegation against the petitioner that the petitioner was involved in the sale and smuggling of banned cough syrups and medicines, as well as the fact that there is recovery of 2.70 litres of Xodex and Eskuf cough syrups, along with 108 strips of Nitrazepam Tablets I.P. (Nitzascen-10), 49 strips of Spasmo Proxyvon Plus Capsules, 30 strips of Spasz Plus Capsules and 19 strips of Carispas-1 Capsules, from the house of the petitioner, and also the fact that the charge-sheet has already been submitted finding the case true against the petitioner, and the further fact that the petitioner has three criminal antecedents, two of which relate to offences under the NDPS Act, which indicates that the petitioner is a habitual offender of law, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for grant of bail is, hereby, rejected.

(Girijish Kumar, J)

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