

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62497 of 2025

Arising Out of PS. Case No.-1110 Year-2025 Thana- Excise P.S. District- Patna

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Kunal Kumar S/O Late Satyandra Singh R/O Village- Lodipur Lakhanpura,
P.S.- Punpun, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

ORAL ORDER

7 31-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise P.S. Patna Case
No. 1110 of 2025 instituted for the offences under Sections
30(a), 30(g), 32, 62, 56(b) of the Bihar Prohibition and Excise
Act.

3. Prosecution allegation, in short, is that total 710
litres of cough syrup containing codeine 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 10.07.2025 and
has got no criminal antecedent. Learned counsel further



submitted that police, after completion of investigation, submitted charge-sheet under the provisions of N.D.P.S. Act. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is not the owner of the shop from which the alleged recovery has been made.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned A.P.P. for the State has filed counter-affidavit and 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.

(Rudra Prakash Mishra, J)

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