IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65139 of 2026

CNR No. BRHC010928822026

Arising Out of PS. Case No.-112 Year-2026 Thana- Chitragupta Nagar District- Patna

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Niraj Kumar S/o Naresh Prasad Resident of Mohalla - Triloki Market, Bari Path, NayaTola, P.S.- Kadamkuan, District - Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Y.C. Verma, Sr. Adv.
Mr. Prasoon Shekhar, Adv.
For the Opposite Party/s : Mr. Anil Kr. Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

4 29-10-2026 Heard the parties.

2. The petitioner seeks bail in connection with Chitragupta Nagar P.S. Case No. 112 of 2026 registered for the offence under Sections 8(c), 21, 22(c), 25 and 29 of NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 01.06.2026.

4. As per FIR, 2000 ampule of "Buprenorphine Hydrochloride IP Injection", brand name "Silent" was recovered from one Mantu Kumar who disclosed that it was brought from the godown of M/s Om Logistic Supply Chain Pvt. Ltd., Patna. Upon said information police raided the godown of M/s Om Logistic Ltd. where one tempo was caught, occupied by one

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person namely, Vikash Kumar. Upon search of said tempo further 76,000 ampules of "Buprenorphine Hydrochloride IP Injection" was found. The co-accused Vikash Kumar disclosed that the consignment was for Ravi Kumar and Brajesh Kumar, it was further disclosed that it was also in process to deliver this petitioner.

5. Mr. Y.C. Verma, learned senior counsel appearing on behalf of the petitioner submitted that as per FIR, it was recovery of "Buprenorphine Hydrochloride IP Injection" under the brand name of "Silent", which was manufactured by Noridian Pharmaceuticals, GIDC, Industrial Estate, Bharuch, Gujarat. It is pointed out that the manufacturing of this medicine is under valid license and as per approved composition by concerned Govt. authority. It is submitted that once it become medicine, it comes out from the list of Scheduled drug. Mr. Verma pointed out that it is not a case of recovery of "*Buprenorphine*", which is a psychotropic substance as per NDPS Act, 1985, rather it is a case of recovery of medicine. It is pointed out that the recovery was not made from the possession of this petitioner and merely, on the basis of disclosure that the consignment was also for the

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supply of this petitioner, he was implicated with this case.

6. In this context, Mr. Verma referred, **Notification No. *S.O. 527(E)* dated 06.07.1996 under the NDPS Act and Rules, 1985** that preparations are exempted as manufactured drugs provided preparation content the narcotic drugs to the extent permitted in respect of *"Buprenorphine"* under entry no. 169 in the aforesaid notification.

7. Explaining criminal antecedent, it is furhter submitted by Mr. Verma that one altercation of petitioner took place with Drug Inspector on 06.04.2026 at his medical shop running under valid license and out of same, due to oblique motive, the Drug Inspector lodged 8 criminal cases of similar nature against petitioner between 06.04.2026 to 22.05.2026 in six case which was lodged prior to this occurrence, in one case final form was submitted and in rest of the five case petitioner is on in bail in four cases, and one is pending. While concluding the argument, it is submitted that investigation of this case has already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned APP while opposing the prayer of bail

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submitted that the recovered quantity is commercial quantity as per FIR as total of *Buprenorphine* out of present recovery comes to 45.6 grams, which is much more than commercial quantity for the substance i.e., 20 grams at Sr. No. 169 of the list. It is submitted that in view of same and as per rigors available under Section 37 of the NDPS Act, the petitioner doesn't deserves bail. It is pointed out by learned APP that in the matter of ***Hira Singh and Another Vs. Union of India, [(2020) 20 SCC 272]***, the Hon'ble Supreme Court has held that entire non-toxic material/literal material, which is mixed with the contraband will be considered as contraband.

9. Contrary to the aforesaid submission, it is further pointed out by learned counsel for the petitioner that once it is clear through aforesaid notification that despite one of the component of the seized drug it cannot be treated as Psychotropic substance, when it is being used as a "Medicine", in view of Section 2 (viia) and (xxiiia) of the NDPS Act, read with aforesaid notification. Therefore, the drug, fails to invite the jurisdiction of NDPS Act and as such the quantity becomes irrelevant. It maximum invite allegation under Drugs and Cosmetic Act.

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10. In view of aforesaid factual submission and by taking note of aforesaid discussed notification and further as *prima-facie* recovery of medicine not appears made from the physical possession of this petitioner, coupled with fact as investigation of this case has already completed, where petitioner remains in custody since 01.06.2026, accordingly petitioner above named, is directed to be released on bail in connection with Chitragupta Nagar P.S. Case No. 112 of 2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge (NDPS), Patna /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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