IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75528 of 2026

CNR No. BRHC011032072026

Arising Out of PS. Case No.-150 Year-2026 Thana- PASRAHA District- Khagaria

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Md. Rakim S/O Md. Johik R/O Village- Tinpaniya, Beltikari, P.S.- Kodha, Distt.- Katihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Hansraj, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in N.D.P.S Spl. Case No. 54 of 2026 arising out of Pasraha P.S. Case No. 150 of 2026 instituted for the offences under Section 111 of Bharatiya Nyaya Sanhita, 2023 and Section 21(c) of the N.D.P.S Act.

3. Prosecution allegation, in short, is that 1,056 liter codeine cough syrup was recovered from Bolero Pick-up vehicle.

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 26.07.2026 and

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has got no criminal antecedent. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel further submits that petitioner is the driver of the vehicle in question. There is no compliance of Sections 42 and 50 of the N.D.P.S. 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 recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned APP 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 alongwith 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

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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.

(Rudra Prakash Mishra, J)

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