IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76490 of 2026

CNR No. BRHC011066992026

Arising Out of PS. Case No.-254 Year-2026 Thana- BELDOUR District- Khagaria

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Santosh Kumar Yadav @ Santosh Kumar Son of Rajo Yadav @ Rajendra Yadav Resident of Village- Mali, Ward No.-7, P.S.- Beldaur, District- Khagaria (Bihar).

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Seema Kumari, Advocate.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 05-11-2026 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Special Case No. 53/2026, arising out of Beldaur P.S. Case No. 254 of 2026 registered for the offence punishable under Sections 8, 20(B)ii(c) of N.D.P.S.

3. Allegation is of recovery of 66.3 litres of Wiscorex cough syrup containing Triprolidine Hydrochloride and Codeine Phosphate from a Hyundai Verna car bearing registration no. WB06H8773

4. Learned counsel appearing on behalf of the

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petitioner submitted that the petitioner is innocent and he has no concern with the alleged recovery. Petitioner was not present at the place of occurrence and has been falsely implicated in the present case. Referring to paragraph 3 of the bail application, learned counsel submits that the petitioner has no criminal antecedent. On these grounds, learned counsel seeks that the petitioner be released on pre-arrest bail.

5. *Per contra,* learned APP appearing on behalf of the State opposing the bail application submitted that 66.3 litres of cough syrup containing Codeine Phosphate and Triprolidine Hydrochloride have been recovered from the Hyundai Verna car and the recovered quantity is more than the commercial quantity. Petitioner is allegedly involved in the illegal sale and purchase of the said cough syrup. In view of the bar contained in Section 37 of the N.D.P.S. Act, the petitioner does not deserve to be released on pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R., I find that the quantity of cough syrup allegedly recovered is more than the prescribed commercial quantity. Considering the bar contained in Section 37 of the N.D.P.S. Act and the presumption of possession under Section 54 of the said

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Act, I am not inclined to enlarge the petitioner on pre-arrest bail.

7. The petitioner may surrender before the learned District Court and seek regular bail.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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