IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75083 of 2026

CNR No. BRHC011069712026

Arising Out of PS. Case No.-18 Year-2025 Thana- GOVERNMENT OFFICIAL COMP. District- Madhubani

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Md. Hussain Son of Tauhidul Hassan Resident of village - Makiya, P.S.- Benipatti, District - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gagan deo Yadav, Adv
Mr. Rajesh Kumar, Adv
Mr. Rohit Kant Singh, Adv
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL ORDER

2 28-10-2026 Heard the learned counsel for the petitioner and the learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Complaint Case No. 18 of 2025, for allegedly having committed an offence under Sections 18(C), 18(a) (vi), r.w.s. 27(b) (ii), 27 (d) of the Drugs and Cosmetics Act.

3. As per the prosecution case, which has been lodged on the basis of complaint filed by the complainant, who happens to be the Drug Inspector, Madhubani, before the learned District and Sessions Judge, Madhubani to the effect that on 18.09.2025, a raid was conducted by the concerned Officers along with the police personnel at M.H. Drug Store, Makiya, Madhubani and

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during course of raid, it was found that Schedule H and Schedule H1 drugs have been kept in the said establishment. The establishment has got a valid license under Form 20A and 21A, which was issued on 03.05.2019 and is valid till 29.05.2029, which is a prohibited license and under the said license Schedule H and Schedule H1 drugs cannot be sold and the same is illegal. The Schedule H and Schedule H1 drugs were seized in presence of the witnesses. Total 31 types of said drugs were seized by the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He submits that although the raid was conducted on 18.09.2025, however the compliant was filed on 06.11.2026 i.e. almost one and half months after the occurrence and no explanation has been given for the delay in lodging the complaint. He submits that from the complaint itself, it would transpire that the petitioner was having license in Form 20A and 21A, which is valid till 29.05.2029 and the petitioner has got the bonafide certificate of Para medical from Saheed Bhagat Singh Health & Education Institute, Government of India. He has got a valid license in the name of the establishment and on account of local politics, he has been made an accused in the present case. He

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next submits that total drug which has been seized is to the tune of Rs. 24,290/- and the said drugs are not notified within the NDPS Act. The only allegation which has been alleged against the petitioner is that he, in violation of his license kept Schedule H and Schedule H1 drugs in his establishment. He lastly submits that the petitioner is an accused in two other cases, apart from the present case, however in both the cases he is on bail.

5. *Per contra,* the learned APP appearing on behalf of the State, while opposing the prayer for anticipatory bail of the petitioner submits that the petitioner was found storing and selling Schedule H and Schedule H1 drugs in his establishment, without having any valid license for selling the same.

6. Having considered the rival submissions and after going through the records, it appears that it is not in dispute that the petitioner was a license holder under Form 20A and 21A of the Drugs and Cosmetics Acts and the license was valid till 29.05.2029. It is further not in dispute that Schedule H and Schedule H1 drugs were recovered from his establishment as per the complainant, which the petitioner was not authorized to sell from his establishment. The drugs which have been seized are to the tune of Rs. 24,290/-. Considering that the drugs which have been seized are not defined in NDPS Act and it has also

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not been alleged that it was harmful for the society. The only allegation is that the petitioner has kept the drugs without valid license. Considering the above, let the petitioner, above named in the event of arrest/surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-1, Madhubani, in connection with Complaint Case No. 18 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and subject to the following condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

shital/- **(Ritesh Kumar, J)**

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