

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.73754 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- JALALGARH District- Purnia

Ahmad Hussain S/o Saifuddin R/o Village- Ahilgoan ward no. 07, P.S.-  
Jalalgarh Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with  
CRIMINAL MISCELLANEOUS No. 74201 of 2025

Arising Out of PS. Case No.-168 Year-2025 Thana- JALALGARH District- Purnia

Deepak Kumar S/o- Ajay Mehta R/Village- Chandi Katwa PS- Mufassil  
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**  
(In CRIMINAL MISCELLANEOUS No. 73754 of 2025)  
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate  
: Mr. Nadimul Hasan, Advocate  
: Mr. Kumar Rajdeep, Advocate  
: Mr. Shivendu Shekhar, Advocate  
For the Opposite Party/s : Mr. Zainul Abedin, APP  
(In CRIMINAL MISCELLANEOUS No. 74201 of 2025)  
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate  
: Mr. Bidhu Ranjan, Advocate  
: Mr. Kumar Rajdeep, Advocate  
: Mr. Shivendu Shekhar, Advocate  
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

4      11-02-2026                      As both these bail applications arise out of the same  
  
police station case number, hence they are being heard together  
  
and disposed of by this common order.

2. Heard learned counsel for the petitioners and



learned APP for the State.

3. The petitioners seek bail in a case registered for the offence punishable under Sections 8(c), 21(c), 25 and 29 of the N.D.P.S. Act.

4. As per the prosecution case, A total of 2,810 bottles of 100 ml codeine syrup were recovered from a tempo bearing Registration No. BR-11GF/8026. The tempo was driven by petitioner Deepak Kumar and the consignment was being transported for delivery to petitioner Ahmad Hussain.

5. The learned Senior counsel for the petitioners submits that Deepak Kumar (petitioner in Cr. Misc. No.74201 of 2025) is said to be driver of the vehicle from which the seizure was made while Ahmad Hussain (petitioner in Cr. Misc. No.73754 of 2025) is said to be the person to whom the consignment was to be delivered. It is submitted that the petitioner Ahmad Hussain has a licensed store and he was validly transporting the cough syrup with the consignment numbers. It has further been submitted that there is no independent witness to the seizure and as such, mandatory provisions of search and seizure have also been violated. Further submission is that the said seizure of codeine syrup has been presumed to be illegal, however, the same is also contrary



to Central Government's notification. It has further been brought to notice that one of the co-accused, namely Pawan Kumar Rajgarhia, who is the owner of the transport company, has already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.02.2026 passed in Cr. Misc. No.6984 of 2026. Further, the petitioners are in custody since 14.08.2025 and charges have already been framed, as informed by learned Senior counsel for the petitioners.

6. Learned APP for the State has opposed the grant of bail on the ground that the offence involves commercial quantity.

7. Taking into consideration the facts and circumstances and considering the fact that the petitioner has a licensed medical store and that the petitioners are in custody since 14.08.2025 with no criminal antecedent, coupled with the fact that charges have already been framed, let the above named petitioners, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (NDPS Act) Purnea District Purnea/concerned Court below in connection with Jalalgarh P.S. Case No. 168 of



2025 subject to condition that:-

(i) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

**(Soni Shrivastava, J)**

anand/-

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