

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77677 of 2025

Arising Out of PS. Case No.-347 Year-2025 Thana- KHAJANCHI HAT District- Purnia

Sanjeet Sharma S/O Bijendra Sharma R/O Vill.- Maranga Ward no. 8, P.S.-
Maranga, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr. N.N. Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 03-02-2026 Heard Mr. Ram Prawesh Kumar, learned counsel for the
petitioner and Mr. N.N. Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with K. Hat PS
Case No. 347 of 2025 instituted for the offences under Sections
8(c), 21(c) & 29 of the NDPS Act.

3. Prosecution allegation, in short, is that on 21.08.2025
at about 15:30 hours, during patrolling on Post Mortem Road,
the informant apprehended the petitioner while he was fleeing
from a Cyber Cafe, and on search of the shop 72 bottles of
Codeine Syrup, 100 ml each (total 7.200 litres) were recovered.
On personal search of the petitioner, cash of Rs. 8,500/- and one
mobile phone with SIM were recovered from his conscious
possession, and he disclosed that the seized Codeine Syrup was



purchased from Anaya Medical, Madhubani..

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 22.08.2025 and has got no criminal antecedent. Charge-sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner has no concern with the recovered contraband. Nothing has been recovered from the conscious possession of the petitioner. It is lastly submitted that there is no compliance of Sections 42 and 50 of the NDPS 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 A.P.P. 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 along with



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 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 as expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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