IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78757 of 2026

CNR No. BRHC011149432026

Arising Out of PS. Case No.-323 Year-2026 Thana- SANGRAMPUR District- East Champaran

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Kanhaniya Kumar Pandit S/o Hari Nandan Pandit R/v- Near School Rajapur Mathia, P.S.- Kotwa, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 05-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Sangrampur P.S. Case No. 323 of 2026 registered for the offence under Sections 21(C), 23(C), 29 of NDPS Act.

3. The petitioner is named in the F.I.R. and is in custody since 01.09.2026.

4. The allegation against the petitioner is to have in possession of 4 vial of Ketajet-50 5 ml injection, 30 amp. Of Sterpam injection, 10 amp. Of Lori injection, 1200 cap. Of Pyeevon Spas Plus and 840 cap. Of Spasmo Proxyvon Plus.

5. Learned counsel appearing on behalf of the petitioner submitted that he runs a medical shop at over

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bridge, East Champaran, and he posses a valid license and the seized drugs are composition of medicine. In this connection learned counsel referred to **Notification No. *S.O. 311(E) dated 10.02.2011 entry no. 238 (E)*** [For Ketamine] and **Notification No. *S.O. 1055(E) dated 19.10.2001 at sr. no. 194*** [For Diazepam] and ***Notification No. S.O. 1761(E)*** and ***Notification No. S.O. 1762(E) dated 26.04.2018 at serial no. 110Y*** [For Tramadol] under the NDPS Act, 1985, that preparations are exempted as manufactured drugs provided preparation content the narcotic drugs to the extent permitted in respect of drugs. It is submitted that as per the composition the drug is below commercial quantity. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as recovery of drug was not made from

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the physical possession of this petitioner rather it was found from a godown, coupled with fact as the seized items are manufactured drug, where composition of the codeine *prima facie* appears within the permissible limit for therapeutic use and as such *prima-facie* not falls within the meaning of NDPS Act, 1985, coupled with fact as investigation of this case already completed, wherein petitioner remains in custody since 01.09.2026, accordingly petitioner above named, is directed to be released on bail in connection with Sangrampur P.S. Case No. 323 of 2026 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/ Spl. Judge, East Champaran at Motihari /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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