

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80677 of 2025

Arising Out of PS. Case No.-275 Year-2025 Thana- DHAMDAHA District- Purnia

Md. Ibrar S/O Noor Mohammad Resident of Sonapur, Ward No. 2, P.S.-
Dhamdaha, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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

ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Dhamdaha
PS Case No. 275 of 2025 instituted for the offences under
Sections 8(c), 21(b) & 25 of the NDPS Act.

3. Prosecution allegation, in short, is that the there is
recovery of 102 bottles of codeine cough syrup containing 100
mL each from bamboo orchard situated behind the house of the
petitioner.

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 22.09.2025 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 nothing has been recovered from the conscious possession of the petitioner, rather the same is recovered from an open place, which is accessible to one and all. 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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