

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81572 of 2025

Arising Out of PS. Case No.-269 Year-2025 Thana- LADANIA District- Madhubani

Bhola Mandal S/O Mohit Mandal Resident of Village- Pathrahi PS- Ladaniya,
Dist. Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Jha Raman, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, A.P.P.

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

ORAL ORDER

4 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Ladaniya P.S. Case No. 269 of 2025, instituted for the offences
under Sections 20 and 22 of the NDPS Act.

3. Prosecution allegation, in short, is that the 101
bottles of codeine base cough syrup has been recovered in this
case.

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 31.07.2025 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 alleged codeine based cough syrup and medical shop. The petitioner is not the owner of the alleged medical shop. The petitioner is working as staff/worker on the said medical shop.

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.

(Rudra Prakash Mishra, J)

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