

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83466 of 2025**

Arising Out of PS. Case No.-59 Year-2025 Thana- JOGBANI District- Araria

Md. Kursed @ Khursid S/O Nizam @ Md. Nazam Resident of village -  
Amouna, Ward no.- 20, P.S - Jogbani, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      19-01-2026                      Heard Mr. Gopal Kumar Jha, learned counsel for  
the petitioner and Mr. Upendra Kumar, learned Additional  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
16.10.2025 in connection with Jogbani P.S. Case No. 59 of  
2025, F.I.R. dated 26.05.2025 for the offences punishable under  
Sections 126(2), 115(2), 303(2), 109(1) and 3(5) of the BNS,  
2023 and Section 27 of the Arms Act.

3. Recovery is of 1454 bottles of Eskuf cough syrup  
(Codeine Phosphate & Triprolidine Hydrochloride Syrup),  
Nitrazepam Tablets IP 10 mg total 4200 tablets and Indian  
currency total Rs. 17,000/- and Nepali currency of Rs. 8,965/-.

4. Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case merely on the basis of confessional statement of the



co-accused, Umar Farooq and except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. He further submits that it appears from the seizure list that the recovery has been made from shop and house of the co-accused. He further submits that there is non-compliance of Section 42 and 50 of the NDPS Act.

5. Learned Additional Public Prosecutor on the other hand vehemently opposed the prayer for bail of the petitioner and submits that upon search 1454 bottles of Eskuf cough syrup (Codeine Phosphate & Triprolidine Hydrochloride Syrup), Nitrazepam Tablets IP 10 mg total 4200 tablets and Indian currency total Rs. 17,000/- and Nepali currency of Rs. 8,965/- were recovered and the apprehended co-accused person has disclosed that the petitioner was also involved in the present crime in question. Apart from the aforesaid, the petitioner carries two criminal antecedents other than the present one and both the cases pertains to NDPS matter.

6. The grant of bail in NDPS cases where the recovery of commercial quantity of narcotic is alleged is circumscribed under Narcotic Drugs and Psychotropic Substance Act, 1985, Section 37 which says that before grant of bail, the Court must



have reason to believe that petitioner has not committed the offence and in the event of release he would not commit similar offence.

7. The issue was considered by the Hon'ble Supreme Court in the case of **State of Kerala and Ors. Vs. Rajesh and Ors.** reported in **(2020) 12 SCC, 122** as well as in the case of **Narcotic Control Bureau Vs. Mohit Aggarwal** reported in **AIR 2022 SC 3444** and **Union of India vs. Ajay Kumar Singh @ Pappu** reported in **2023 SCC OnLine SC 3456** dated 28.03.2023.

8. The recovery of huge quantity of contraband would not justify that the petitioner had no knowledge of the narcotic nor there is any material to substantiate that the petitioner would not commit such offence in the event of release.

9. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection with Jogbani P.S. Case No. 59 of 2025 pending in the Court of learned Sessions Judge cum Special Judge NDPS Act, Araria.

10. Prayer is refused.

**(Rajesh Kumar Verma, J)**

Vanisha/-

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