

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89102 of 2025

Arising Out of PS. Case No.-299 Year-2025 Thana- MAJORGANJ District- Sitamarhi

Ranjit Ram S/o Kodai Ram R/o village - Madhubani, P.S. - Dumaria @
Dumariya, Dist. - Sarlahi Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-03-2026 Heard Mr. Santosh Kumar, learned counsel for the
petitioner and Ms. Renu Kumari, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
30.07.2025 in connection with Majorganj P.S. Case No. 299 of
2025, F.I.R. dated 29.07.2025 for the offences punishable under
Section 21(c) of the N.D.P.S. Act.

3. The prosecution case in brief is that from
possession of this petitioner, Wincerex (Codeine Phosphate &
Triprolidine Hydrochloride Syrup) 88 nos and Onrex (Codeine
Phosphate & Triprolidine Hydrochloride Syrup) 30 nos total 118
pieces each of 100 ml was recovered.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. It appears from the FIR/seizure list that 118 pieces of 100 ml total 11.800 litres of intoxicated medicines were recovered from the possession of the petitioner. There is no independent witness of the seizure list rather they are police personnel. Police has not followed Section 105 of BNSS while making seizure. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.07.2025. Learned counsel for the petitioner further submitted that the Central Government has issued Notification No. S.O. 826 (E) dated 14.11.1985 which is given hereunder:-

“S.O. 826(E). - In exercise of the powers conferred by sub-clause (b) of clause (xi) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), the Central Government hereby declares the following narcotic substances and preparations to be manufactured drugs, namely:-

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35. Methyl morphine (commonly known as 'Codeine') and Ethyle morphine and their salts (including Dionine), all dilutions and preparations except those which are compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit, and with a concentration of not more than 2.5% in undivided preparations and which have been established in Therapeutic practice.



xxx”

5. In this case, Onerax cough Syrup has been recovered and the concentration of the codeine in this drug is approximately 0.2% which is less than 2.5% as provided in the above notification. From bare perusal of said notification which suggest that the petitioner has only violated the Drugs and Cosmetic act and the case of the petitioner comes under purview of Drugs and Cosmetic Act.

6. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the fact that the recovered contraband is less than commercial quantity, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the court of learned Special Judge, Sitamarhi/Competent Jurisdiction, in connection with Majorganj P.S. Case No. 299 of 2025, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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