

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2961 of 2026

Arising Out of PS. Case No.-446 Year-2025 Thana- MURLIGANJ District- Madhepura

Sandeep Kumar @ Sandeep Mandal S/O Hari Kishore Mandal R/O Village-
Jayrampur, Ward No.10, P.S- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pooja Prasad, Advocate

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

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

ORAL ORDER

3 20-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with NDPS
Case No. 93 of 2025, Murliganj P.S. Case No. 446 of 2025
instituted for the offences under Sections 8(c), 21(b), 22 of the
NDPS Act and Section 30(a) of the Bihar Prohibition and Excise
Act.

3. Prosecution allegation, in short, is that total 2493
bottles, each of 100 ml cough syrup containing codeine
phosphate and triprolidine hydrochloride have 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 28.10.2025 and has got two criminal antecedents. There is no allegation of tampering of witnesses alleged against the petitioner. Learned counsel further submits that petitioner has no concern with the alleged recovery. He further contended that the said recovery has been made from the joint house of the petitioner where other family members also reside. The co-accused person has already been granted bail by a coordinate Bench of this Court vide order dated 17.01.2026 passed in Cr. Misc. No. 1498 of 2026.

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 total 249.300 litres of codeine containing cough syrup has been recovered and therefore, the 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. Learned Trial Court is directed to concluded the trial in an expeditious manner without any undue delay and unnecessary adjournment.

(Rudra Prakash Mishra, J)

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