

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BEGUSARAI

A.B.A. No. 283/2026

{N.D.P.S. Case No. 08/2026}

Ref:- Arising out of Ballia P.S. Case No. 42/2026

Dt: 19.01.2026

U/S-8(c), 20, 21(c), 29 of N.D.P.S. Act.

In the matter of :-

Amit Kumar Paswan, S/o Ram Ishwar Paswan, R/o vill. Chhoti Balia, Gachhi Tola, Ward No. 05, P.S. Balia, Distt. Begusarai

.....Petitioner

Vrs.

The State of Bihar

...Opposite Party

Present:- Rishi Kant

Principal Sessions Judge, Begusarai

Ld. Counsel for the petitioner: - Sri Mukesh Kumar Sinha, Adv.

Ld. Counsel for the O.P. :- Ld. Spl. P.P

Date of order:-01.04.2026

ORDER

An anticipatory bail petition has been filed on behalf of above named accused/petitioner who is apprehending his arrest in connection with above mentioned case registered u/s 8(c), 20, 21(c), 29 of N.D.P.S. Act and the same has been put up for hearing.

Heard Learned Counsel Sri Mukesh Kumar Sinha, appearing on behalf of accused/ petitioner and Ld. Spl.P.P. for the State.

The prosecution case, in brief, is that on 19.01.2026 at 07.40 o'clock during patrolling the informant got a secret information that huge quantity of Cough Syrup and wine were kept in the house of Amit Kumar Paswan at Chhoti Ballia. Acting upon the information; when the informant and other armed forces reached the place of occurrence, then Amit Kumar Paswan fled away. Upon searching; 215 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup of 100 ml (total 21.50 litres) were recovered from the house of the accused. Accordingly, the seizure list has been prepared.

The Ld. Counsel appearing on behalf of accused/petitioner submitted that the petitioner has not filed any bail either anticipatory bail or regular bail before this court or any higher court. It is further submitted that petitioner has one criminal antecedent, i.e., Balia P.S. Case No. 395/2024. It is further submitted that the petitioner is quite innocent, has not committed any offence, and has been falsely implicated in this case. It is further submitted that the petitioner has nothing to do with the alleged occurrence and no contraband article was recovered from the house of the petitioner. Petitioner is ready to abide all the conditions imposed by the court, so he may be released on bail.

On the other hand, learned Special Public Prosecutor appearing on behalf of the State vehemently opposed the prayer for anticipatory bail and submitted that the petitioner is actively involved in the business of contraband substances. It was further submitted that custodial interrogation of the petitioner is essential in order to unearth the larger

nexus involved in the illicit trade and to effectively curb such illegal activities. On these grounds, it was argued that the petitioner does not deserve the discretionary relief of anticipatory bail.

Heard learned counsel for both sides, and perused the photocopy of the case diary. As per the FIR, the allegation against the petitioner is that upon seeing the police party, he fled away from the place of occurrence and 215 bottles of Codeine Phosphate & Triprolidine Hydrochloride Syrup of 100 ml (total 21.50 litres) were recovered from his house. From perusal of the case diary, it appears that the witnesses examined in paragraphs 12, 13, and 14 of the case diary have supported the prosecution version of the occurrence and the alleged recovery of 21.50 litres of Codeine Phosphate & Triprolidine Hydrochloride Syrup from the house of the petitioner. The seizure list of the recovered articles is available at paragraph 2 of the case diary. Paragraph 46 of the case diary discloses that the petitioner has two criminal antecedents, namely Ballia P.S. Case No. 282/2023 and Ballia P.S. Case No. 395/2024. However, only one criminal antecedent namely Ballia P.S. Case No. 395/2024 has been disclosed in paragraph 3 of the bail application. Thus, it is evident that the petitioner has deliberately suppressed material facts relating to his criminal antecedents. The recovered quantity of falls within the category of “commercial quantity” as defined under the NDPS Act. Moreover, the investigation in the present case is still in progress.

Considering the nature and gravity of the allegations, the recovery of commercial quantity of Codeine Syrup from the house of the petitioner, and particularly the suppression of criminal antecedents by the petitioner, coupled with the fact that the investigation is still at a nascent stage, this Court is of the considered view that the petitioner does not deserve the extraordinary relief of anticipatory bail at this stage. Accordingly, the prayer for anticipatory bail is hereby rejected.

However, the petitioner is directed to surrender before the learned court below and seek regular bail.

(Dictated)

Sd/-

(Rishi Kant)

Principal Sessions Judge, Begusarai

Date of Judgment/Order	01.04.2026
Date of Reserving Judgment/Order	N.A.
Uploading Date	04.04.2026
Uploaded by	Rahul Verma