

Court of Special Judge(N.D.P.S.)Khagaria.

N.D.P.S. Bail Application No.14/2026

Pasraha P.S. Case No.10/2026

N.D.P.S. Spl. Case No. 04/2026

State of Bihar v. Santosh Kumar and Ors.

Date of order of proceeding	Order with signature of the court	Office action taken with date
1	2	3
<u>18.03.2026</u>	Present: Ld. S.P.P. for the state. Ld. Counsel for accused/applicants 1. Santosh Kumar and 2. Subhash Rai. File is taken up today on the bail application dated 20.02.2026 filed on behalf of aforesaid applicants/accused. Ld. Counsel for applicants submits that applicants are quite innocent and have committed no offence. Applicants have no criminal antecedent and they are in judicial custody since 10.01.2026. Alleged sections are not attracted against the applicants. Applicants were not present at the place of occurrence and recovery is not from their possession and house. Ld. Counsel has further submitted that applicants are ready to abide by all conditions imposed by this Court if they are released on bail. Ld. S.P.P. for state has not filed reply to the bail application but he has vehemently opposed the bail. Heard. Perused the record. Applicants are stated to be driver and cleaner of the pick up	

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<u>Contd.....</u> <u>18.03.2026</u>	van. There is recovery of 754 litres of Triprolidine Hydrochloride & Codeine Phosphate Syrup Codbix Cough Syrup from the said van on which they were travelling. As per Section 37 of the N.D.P.S. Act, two conditions should be satisfied with:- (i) There are reasonable grounds for believing that the accused is not guilty of such offence; and (ii) He is not likely to commit any offence while on bail. If either of these two conditions is not satisfied, the bar operates and the accused cannot be released on bail. This Court is of the opinion that the parameters of bail available under Section 37 of the Act have not been satisfied in the facts of the instant case. Regarding other contention of the Ld. Counsel that without chemical analysis Section 21(c), of the NDPS Act is not attracted. It is worthwhile to mention that at the time of consideration of bail application, prima facie view is taken on the basis of material available on record. Here, there is a large
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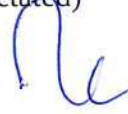
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18.03.2026

cache of contraband i.e. codeine laced syrup has been recovered and witnesses have supported the contents of the F.I.R. Issue of chemical analysis comes during trial. In view of aforesaid facts and circumstances, this Court is not inclined to enlarge the applicant on bail. In view of aforesaid facts and circumstances, this Court is not inclined to enlarge the applicants on bail.

Application dated 20.02.2026 is hereby dismissed.

Put up on date already fixed.

(Dictated)



(R.K. Bachchan)
Sessions Judge-cum-
Spl. Judge, N.D.P.S.
Khagaria
18.03.2026