

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,
SITAMARHI.

Dated, Sitamarhi, the 10th June, 2026.

A.B.P No. 729 of 2026

Present:- Akhilesh Kumar Jha, Principal District & Sessions Judge, Sitamarhi

In the matter of :-

Abhay Shankar Singh @ Guddu.....Petitioner.

V/S

State of Bihar.....Opposite Party.

Appearance:

For the petitioner:- Sri Dharendra Thakur, Advocate.

For the State:- Sri Prafulla Kumar Jha, I/C P.P.

Date of order or proceeding.	Order with the signature of the court.	Office action taken with date.
<u>10.06.2026.</u>	Apprehending arrest, the petitioner namely Abhay Shankar Singh @ Guddu, has filed this anticipatory bail petition in connection with Sitamarhi PS, Case No. 314/2026, registered u/s: 8,21(b),21(c) of NDPS Act. 2. Heard Ld. Counsel for the petitioner and Ld. I/c Special PP for the State. 3. It is submitted by the Ld. Counsel for the petitioner that petitioner is innocent and has been falsely implicated in this case due to rural politics. The petitioner has no concern with the alleged recovery of seized contraband. The Petitioner does not have any rented shop. On these grounds, the Ld. Counsel prayed for grant of anticipatory bail to the petitioner. 4. On the other hand, the Ld. I/c PP opposed the prayer for anticipatory bail and submitted that petitioner is named in the FIR. There is recovery of huge quantity of Codeine, Tramadol etc. based cough syrups and tablets from the grocery shop of petitioner. No paper was produced with regard to recovered drugs. Further submitted that as per "<i>Hira Singh and Anr. Vs. Union of India reported in (2020) 20 SCC 272</i>", for determining whether the quantity is small or commercial, in relation to narcotic drugs or Psychotropic substances, weight	

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of entire material/mixture, including weight of neutral material is to be considered. Therefore, the recovered quantity in present case is commercial quantity and rigors of Section 37 of the NDPS Act is attracted. Also referred "*Mohd. Sahabuddin and Anr. Vs. State of Assam (2012) 13 SCC 491,*" judgment of Hon'ble Supreme Court, and submitted that if accused failed to show that cough syrups containing narcotic substance, was meant for therapeutic practice, same would fall within penal provisions of NDPS. On these grounds, the Ld. I/c PP prayed for rejection of anticipatory bail petition filed on behalf of petitioner.

5. The case of prosecution, in nutshell, as per written application of the informant namely, SI Krishnadev Khatait is that on 06.05.2026, while informant with his team was on patrolling duty, SHO informed him that a large quantity of narcotic drugs and cough syrups were hidden in the rented room of Deepak Kumar in the house of Praveen Kumar. On receiving the information, when police team reached near Deepak Kumar's rented room, one person tried to run away on seeing the police. He was caught and disclosed his name Prabhanjan Sah. On search, a carton was found kept inside the room, in which intoxicating tablets, syrups and injections were recovered. Recovered drugs were (i) 12750 bottles of Onerex Cough Syrup (each 100ml), (ii) 8400 of RTX Scen Cough Syrup (each 100 ml), (iii) Tolesic injection- 900 ampoule, (iv) Noophim injection (2 ml)- 232 ampoule, (v) 800 ampoule of unlabelled injection with wrapper of Noophin, (vi) One black colour bullet motorcycle Reg. No. DL35DT 0430, (vii) 480 bottles of Onerex Cough Syrup(each 100ml), (viii) 120 bottles of RTX Scen Cough Syrup (each 100 ml) and (ix) Tolesic injection (2ml)- 400 ampoule. On being asked about the recovered material, Prabhanjan Sah told that he along with his brother Bittu Kumar used to smuggle

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drugs and sell them in Nepal. No paper of recovered drugs was produced. He further disclosed that next door there is a grocery shop of Abhay Shankar Singh @ Guddu, where intoxicated medicines are sold. Thereafter, police team reached the shop where one person was present, who disclosed his name Rajesh Kapad and further disclosed shop owner's name Abhay Shankar Singh @ Guddu. Rajesh Kapad told that he had been working as a staff for a long time. On search of rented shop of Abhay Shankar Singh @ Guddu, (i) Exiplon cough syrup-200 bottles (each 100 ml), (ii) Plano cough syrup-105 bottles (each 100 ml), (iii) Supkof-T syrup-300 bottles (each 100 ml), (iv) 209 bottles of Onerex Cough Syrup (each 100ml), (v) 10,080 capsule of Spasmo Proxyvon Plus, (vi) I-Pan 300 tablets, (vii) Great-x cough syrup- 30 bottles, (viii) Exiplon cough syrup (each 100 ml) 300 bottles were recovered. On being asked about the recovered material, Rajesh Kapad disclosed that Suresh Mahto, R/o Punaura, used to supply the narcotics substances to the grocery shop, which has sold by him and owner Abhay Shankar Singh @ Guddu. Thereafter, seizure list of recovered articles was prepared and accused Prabhanjan Sah and Rajesh Kapad were arrested. No paper of recovered drugs was produced. Accordingly, FIR was registered.

6. Heard both sides and perused case record.

7. Perusal of record shows that petitioner is named in the FIR. There is allegation of recovery of huge quantity of Codeine, Tramadol etc. based cough syrups and tablets from the grocery shop of petitioner. No paper was produced with regard to recovered drugs. Investigation of this case is still pending.

8. Considering the aforesaid facts and circumstances of the case, seriousness of allegation

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against petitioner and pendency of investigation, this court is not inclined to grant anticipatory bail to him.

9. Accordingly, the prayer for anticipatory bail petition of petitioner Abhay Shankar Singh @ Guddu is hereby rejected.

(Dictated)



(Akhilesh Kumar Jha)
Principal Sessions Judge,
Sitamarhi.
10.06.2026

Date of Judgment /Order	10.06.2026.
Date of Reserving Judgment/Order	10.06.2026
Uploading Date	11.06.2026
Uploaded by	Purushottam Kumar