

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38361 of 2026

Arising Out of PS. Case No.-18 Year-2026 Thana- SUPAUL District- Supaul

Abhinandan Kumar S/o Amrendra Yadav Resident of Village - Balwa, Ward
No.- 09, P.S.-Supaul, District- Supaul, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 22-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with NDPS Case No. 09 of 2026 arising out of Supaul P.S. Case No.18 of 2026 registered for the offence punishable under Sections 21(B), 22(B), 25(A) and 29 of the NDPS Act.

3. The case of the prosecution, in short, is that near house of one Ramchandra Yadav, Pheniramine maleate injection I.P. (AVIL) 2ML of total 100 vials, total quantity 200 ML and Nrx Buprenorphine hydrochloride injection I.P. (Silent 0.3mg) 2ML total 98 vials, total quantity 196 ml were recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that nothing has been recovered from the possession of this petitioner. Recovery, if any, has been



made near the house of Ramchandra Yadav. As he started fleeing away seeing the police, he was apprehended. It has further been submitted that the petitioner is in judicial custody since 09.01.2026.

5. It has further been submitted that the alleged recovery of Nrx Buprenorphine Hydrochloride injection I.P. (Silent 0.3 mg), 2ml each, manufactured by Quick Healthcare, consists of 98 vials having total Buprenorphine content of only 29.4 mg, i.e., 0.0294 grams. It is pertinent to mention that 1 gram of Buprenorphine would be equivalent to approximately 3333.33 ml of such injections/vials whereas the alleged recovery is only 98 vials containing total volume of 196 ml. Thus, the alleged recovered quantity is far below the notified "small quantity" of 1 gram and "commercial quantity" of 20 grams under the Narcotic Drugs and Psychotropic Substances Act, 1985, and therefore falls within the category of quantity lesser than small quantity.

6. It has further been submitted that from a bare perusal of the Gazette/Notification S.O. 763(E) dated 27th September, 1989, issued by the Government of India, Ministry of Finance (Department of Revenue), would show that only officers of and above the rank of Inspector in the Departments



of Customs, Central Excise, Narcotics, Revenue Intelligence, Central Economic Intelligence Bureau and the Narcotics Control Bureau under the Ministry of Finance, Government of India, have been authorized to file complaint petition relating to offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 before the Special Courts.

"S.O.763 (E):- In exercise of the power conferred by clause (d) of sub-section (1) of section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985), **the Central Government hereby authorizes the officers of and above the rank of Inspector** in the Departments of Customs, Central Excise, Narcotics, Revenue Intelligence, Central Economic Intelligence Bureau and the Narcotics Control Bureau under the Ministry of Finance, Government of India **for filing of complaint** relating to an offence under the said Act before Special Courts."

7. The application for bail is opposed by learned APP for the State.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties



of the like amount each to the satisfaction of the court of learned District and Sessions Judge-IV, Supaul in connection with NDPS Case No. 09 of 2026 arising out of Supaul P.S. Case No.18 of 2026.

(Ashok Kumar Pandey, J)

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