



2026:AHC:62321

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 1137 of 2026**

Saurabh Gupta @ Saurabh Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Kamlesh Kumar Dwivedi, Raj Kumar
Tripathi

Counsel for Opposite Party(s) : G.A.

Court No. - 72

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Rakesh Pande, learned Senior Counsel assisted by Shri Kamlesh Kumar Dwivedi, learned counsel for the applicant, Shri Anoop Trivedi, learned Additional Advocate General assisted by Shri Paritosh Kumar Malviya and Shri Chandan Agarwal, learned AGA-Ist for the State and perused the record.

2. The present application has been moved seeking anticipatory bail in Case Crime no.354 of 2025, under Sections 318(4), 338, 336(3), 340(2), 61(2) of B.N.S. and Sections 21(ga), 27(Ka)/29 of N.D.P.S. Act, Police Station Kotwali, District Jaunpur, with the prayer that in the event of arrest, applicant may be released on bail.

3. It is contended by learned Senior Counsel that the applicant has been falsely implicated in this case. It is further submitted that no offence under the N.D.P.S. Act is made out against the applicant and at best violation of terms of license issued to him can be said to be made out, which is punishable under the Drugs and Cosmetics Act. It is further submitted that the applicant was issued a license by the competent authority to sell and purchase various drugs under the terms and conditions of the said license. He has purchased the drugs from one of the firm of the Jharkhand and he has sold the same against genuine vouchers, invoices and e-way bills annexed with the memo of application. It is further submitted that the applicant is ready and willing to cooperate in

the investigation / trial.

4. On the other hand, learned Additional Advocate General for the State has opposed the application for anticipatory bail and it has been submitted by him that huge quantity of codeine-based cough syrups has been recovered and the applicant has indulged in supply of the said codeine-based cough syrups to non existent firm and no case for grant of anticipatory bail is made out as the provisions of Section 37 of the NDPS Act are also to be taken into account. It is further submitted that when the police investigated the matter, it was found that the codeine-based cough syrups supplied by the firm of the applicant to various firms were not found non existent. It is further contended by learned Additional Advocate General that as per Division Bench judgement of this Court, the Court has refused to quash the first information report registered across the State in Birendra Lal Verma and fourt others Vs. State of U.P. and three others after going through the various judgements of this Court as well as of the Hon'ble Supreme Court.

5. In reply, learned Senior Counsel appearing for the appliant submits that the parameters for quashing the first information for grant of anticipatory bail are different and the earlier Division Bench in Vibhor Rana's case has held that supply and sell of codeine-based cough syrups does not come within the purview of N.D.P.S. Act and the judgement of the Division Bench of this Court cannot be overruled by the judgement of another Bench of this Court.

6. As per first information report, the firm of the applicant is said to have purchased huge quantity of codeine-based cough syrups from a firm of Jharkhand and the same is said to have been supplied to various non existent firms.

7. The investigation is still going on and in view of the judgement of the Division Bench of this Court in **Birendra Lal Verma and four others Vs. State of U.P. and three others**, which has refused to quash the first information reports registered across the State relating to seizure of codeine based cough syrup and it cannot be said at this stage that this case does not fall within the purview of NDPS Act.

8. Considering the facts and circumstances of the case and materials collected during investigation and also taking note of the provisions of Section 37 of NDPS Act, without expressing any opinion on the merits of the matter, no case for grant of anticipatory bail is made out.

9. The anticipatory bail application is hereby **dismissed**.

(Jitendra Kumar Sinha,J.)

March 20, 2026
RKM