



2026:AHC:68207

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2372 of 2026**

Dileep Kumar Umar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Kumar Saroj, Nagendra
Bahadur Singh

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

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Abhishek Kumar Saroj along with Shri Nagendra Bahadur Singh, learned counsel for the applicant, Shri Anoop Trivedi, learned Additional Advocate General assisted by Shri Nitesh Kumar Srivastava, learned AGA for the State and perused the record.

2. The present application has been moved seeking anticipatory bail in Case Crime no.187 of 2025, under Sections 318(4), 336(3), 338, 340(2), 206(b) of B.N.S. and Section 8/21(C)/27(A)/29(1) of N.D.P.S. Act, Police Station Chauri, District Bhadohi, with the prayer that in the event of arrest, applicant may be released on bail.

3. It is contended by learned counsel for the applicant that initially, the first information report was lodged under various sections of B.N.S. and the provisions of N.D.P.S. Act have been added during investigation. 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 alleged that the applicant is said to have purchased 1,86,000 bottles of codeine based cough syrups from one M/s Shaili Traders, Ranchi, Jharkhand and the applicant is said to have transferred the same to non existent firm. It is further submitted that a show cause notice was issued to the applicant on 27.11.2025 and without waiting for the reply, the first information report was lodged on 28.11.2025, whereas

the show cause notice was sent through registered post on 29.11.2025 and received the same was received by the father of the applicant on 03.12.2025 and therefore, the first information report was lodged against the principles of natural justice. It is further submitted that the applicant is ready and willing to cooperate in the investigation / trial. It is further submitted that from the show cause notice issued to the applicant, it is amply clear that the firm of applicant does exist and the same was inspected by the concerned authority. It was also submitted that applicant undertakes to co-operate during trial and he would appear as and when required by the investigating agency or Court. It has been stated that in case, applicant is granted anticipatory bail, he shall not misuse the liberty of bail and will co-operate with the investigation and would obey all conditions of bail.

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 the first information report was challenged before this Court and the same was dismissed by a Division Bench of this Court, therefore, it cannot be said that the provisions under the N.D.P.S. Act cannot be made out. It is further submitted that huge quantity of codeine-based cough syrups has been purchased by the firm of the applicant 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 N.D.P.S. Act are also to be taken into account. It is further submitted that 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 to exist.

4. It is further contended by learned counsel for the applicant that supply and sell of codeine-based cough syrups does not come within the purview of N.D.P.S. Act.

5. The applicant is said to have purchased 1,86,000 bottles of codeine based cough syrups from one M/s Shaili Traders, Ranchi, Jharkhand and the applicant is said to have transferred the same to non existent firm. The applicant moved this Court for quashing of the present FIR, however, the same was refused by a Division Bench of this Court.

6. The investigation is still going on and in view of the judgment 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 report 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.

7. 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.

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

(Jitendra Kumar Sinha,J.)

March 31, 2026

RKM