

GAHC010206772024



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Bail Appln./3037/2024**

RAJESH KUMAR  
S/O LT KAMALESHWAR THAKUR, R/O GOPALPUR, AURAI, P.S.-AURAI,  
DIST- MUJAFFARPUR, BIHAR, INDIA-843117. P/R/A DATALPARA,  
RAMCHARAN BORO PATH, P.O.-AMBARI, P.S.- FATASIL AMBARI, WARD  
NO. 6, DIST- KAMRUP (M), ASSAM, PIN-781025

VERSUS

THE STATE OF ASSAM  
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

**Advocate for the Petitioner** : MR. D SARMAH, B. D. KAKATI, S. J. SAHARIAH

**Advocate for the Respondent** : PP, ASSAM,

**BEFORE**

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**11/11/2024**

Heard Mr. D Sarmah, learned counsel for the petitioner and Mr. K K Parashar, learned Additional Public Prosecutor, Assam for the State respondent.

**2.** This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner, namely, **Rajesh Kumar**, son of Late Kamaleshwar Thakur, resident of

Gopalpur, P.S. Aurai, District-Mujaffarpur in the State of Bihar, seeking bail in **Bazaricherra P.S. Case No. 69/2024** registered under Sections 22(C)/25/29 of the NDPS Act, wherein he was arrested on 04.04.2024 and is in custody since then.

**3.** As per the FIR dated 04.04.2024, the case is that on that day, i.e., on 04.04.2024 around 12:30 PM, during Naka checking at Churaibari Watch Post on NH No. 8, 10 nos. of cartoons containing 1600 Codeine Phosphate & Triprolidine Hydrochloride Syrup, ESKUF bottles from one 6 wheeler Dazzling White Colour Eicher Pro 3019 model container body truck bearing registration No. AS-01-QC-1076 driven by the petitioner were recovered and accordingly, seized along with his driving licence issued by the Licencing authority at Jharkhand and one black colour Realme C21-Y model mobile phone were recovered.

**4.** It is seen from the records of the case that was called for by order dated 03.10.2024 that said 1600 nos. of Codeine Phosphate & Triprolidine Hydrochloride Syrup, ESKUF bottles suspected to be NDPS items that were recovered from the active possession of the petitioner, i.e., from the concerned truck that he was driven, he failed to produce any relevant documents or materials before police for carrying such NDPS items.

**5.** The relevant FSL report dated 23.07.2024 indicated that the said seized 1600 nos. of Codeine Phosphate & Triprolidine Hydrochloride Syrup, ESKUF bottles contained the presence of Codeine Phosphate and in each bottle of 100 ml. of ESKUF Cough Syrup, codeine phosphate of 119 gms. was found and altogether from 1600 bottles, 190.4 kgs. = 190,400 gms. of Codeine Phosphate was recovered from the possession of the petitioner.

**6.** Charge-sheet in the case was filed on 31.07.2024 and accordingly, Special (NDPS) Case No. 43/2024 has been registered before the learned Special Judge (NDPS)-cum-Sessions Judge, Karimganj.

**7.** From the case records, it is seen that the learned Trial Judge in said Special (NDPS) Case No. 43/2024 asked the accused petitioner as to whether he needs any legal assistance, but he repeatedly stated that he has his own engaged counsel and accordingly, the case is now fixed on 17.01.2025 for copies.

**8.** Considering the fact that a huge commercial quantity of Codeine Phosphate & Triprolidine Hydrochloride Syrup, ESKUF syrup bottles has been recovered from the active possession of the petitioner and since the trial of the case is yet to be commenced, where the next date is fixed on

17.01.2025 for copies, the Court is of the view that detention of the petitioner since 04.04.2024 cannot be considered for his release on bail in Special (NDPS) Case No. 43/2024 arising out of said Bazaricherra P.S. Case No. 69/2024 at this stage.

**9.** Accordingly, this bail application of the petitioner, named above, in said Special (NDPS) Case No. 43/2024 arising out of **Bazaricherra P.S. Case No. 69/2024** stands rejected.

**JUDGE**

**Comparing Assistant**