

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37488 of 2016

Arising Out of PS.Case No. -4 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
PATNA

=====

1. Virendra Kumar Son of Damodar Prasad Resident of Mohalla- Chand
Kuan, P.O and P.S- Barbigha, District Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

5 09-01-2017 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

Petitioner is languishing in custody in connection
with N.C.B. Case No. 4 of 2016 and Special N.D.P.S. Case No.33
of 2016 for the offences punishable under Sections 8/21 of the
N.D.P.S. Act, 1985.

From the house of Om Prakash Kumar Sah 5200
bottles of Phensedyl Cough Syryp was recovered which was
containing Codeine Phosphate, a narcotic item. Om Prakash
Kumar Sah informed that the petitioner had supplied one thousand
bottles to him.

Submission of the petitioner is that nothing was
recovered from the house or possession of the petitioner and



Codeine Phosphate is permissible to be added in Phensedyl Cough Syrup.

Learned counsel for Narcotic Control Bureau does not dispute that Codeine Phosphate is permissible in Phensedyl Cough Syrup. However, he opposes the prayer for bail on the ground that the petitioner had conscious knowledge of the aforesaid unauthorized possession of Om Prakash Kumar Sah.

Considering the fact that nothing was recovered from the possession of the petitioner and the petitioner has stated on oath that he is not an accused in such type of case and is in custody since 16.06.2016, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Court, Patna/Successor Court, in connection with N.C.B. Case No. 4 of 2016 and Special N.D.P.S. Case No.33 of 16.

(Birendra Kumar, J)

Mkr./-

U		T	
---	--	---	--

