

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10484 of 2019

Arising Out of PS. Case No.-345 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

Sushant Pandey Son of Late Shardanand Pandey, Resident of Durga Enclave,
Haibatpur, Dadri, P.S.-Bisrakh, District- Gautam Budh Nagar (U.P).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 22-02-2019 Heard both sides.

The petitioner apprehends his arrest in Kuchaikote P.S. Case No.345 of 2018 registered under Sections 27(b)(ii), 28 and 27(d) read with Section 36A/C of Drugs & Cosmetics Act.

The police intercepted a truck. The Drug Inspector enquired from the driver of the truck and on his non-disclosure about consignment, the truck was searched and 2292 bottles of Phensedyl New Cough Linctus were seized.

Learned counsel for the petitioner submits that the petitioner is the owner of the truck. The driver of the truck was carrying Phensedyl New Cough Linctus from Noida to Orisha along with other electronic items. The driver of the truck loaded Phensedyl New Cough Linctus also on the truck and for that the petitioner being the owner of the truck is not responsible. The



driver of the truck has already been granted bail vide Cr. Misc. No.10551 of 2019.

Having considered the fact that the petitioner is the owner of the truck and there is no material on record to show that Phensedyl New Cough Linctus was loaded by the driver of the truck with the consent of the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 A.C.J.M.-VII, Gopalganj in connection with Kuchaikote P.S. Case No.345 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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