

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33173 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- TARAIIYA District- Saran

DIGVIJAY KUMAR THAKUR @ GUDDU JHA Son of Late Shyam Thakur
Resident of Mohalla-Lakshminagar, P.S.-Darbhanga Sadar, District-
Darbhanga (Bihar). Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Jha
For the Opposite Party/s : Mr. Asha Kumari

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Taraiya P.S. Case No. 52/2019 registered for the offence
punishable under Sections 27(b)(ii) of the Drug and Cosmetics
Act, 1940 and Sections 8(c), 22(c) of the N.D.P.S. Act, 1940 of
the Indian Penal Code.

Learned counsel for the petitioner submits that he is
the owner of the truck in question wherein the cough syrup have
been loaded containing narcotic substance which is alleged to
have been recovered. It is submitted that the petitioner being the
owner of truck has orally agreed with Maa Bhagwati Transport
Agency to provide service of his truck on monthly payment and
has no concern with the substance which is carried within his
vehicle as the same is always in a carton and he is not aware of



the actual contents of the ingredients of the bottle which are to be transported. It is further submitted that only technically he is made liable for the offence though such recoveries are not to his knowledge and the invoices which were to be handed over were admittedly not in his possession, but ought to have been handed over by the driver of the vehicle. It is under such circumstances that the petitioner is apprehending his arrest.

Considering the nature of allegations made and that admittedly such cough syrup contain a certain proportion of Codeine Phosphate which is allegedly a narcotic substance, for which the petitioner cannot be held liable and the petitioner has no criminal antecedent of such similar nature, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge, N.D.P.S., Saran at Chapra, in connection with Taraiya P.S. Case No. 52/2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Anjana Mishra, J)

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