

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84245 of 2019

Arising Out of PS. Case No.-401 Year-2019 Thana- RAXAUL District- East Champaran

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Brijesh Kumar @ Brajesh Kumar Son of Pramod Kumar @ Pramod Kumar
Gupta Resident of Village - Chawal Bazar @ Handi Bazar, Raxaul, Ward No.
21, P.S.- Raxaul, District- East Champaran

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ajay Kumar Singh, Adv
For the Opposite Party : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 18-03-2020 Heard the learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
N.D.P.S Case No. 72 of 2019 arising out of Raxaul P.S. Case
No. 401 of 2019 for the offence registered under Sections 22(b)
of the N.D.P.S. Act and 18(a) (1), 18(c), 27(a) and 27(b) (ii) of
the Drugs and Cosmetics Act.

The allegation is regarding recovery of (1)
WINCEREX COUGH SYRUP - 80 bottles, each bottle of 100
M.L. (2) ONEREX COUGH SYRUP - 30 bottles, each bottle
100 M.L. and (3) NITRAJE PAM Tablets-10 Dibba, each
Dibba- 100 tablets kept in a plastic bag from the mobile shop of
the petitioner.



The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 29.03.2019. It is further submitted that as far as item nos. (1) and (2), as aforesaid, are concerned, the same are Cough Syrup and the same do not fall within the purview of Narcotic Drugs and Psychotropic Substances Act, 1985. It is further submitted that as far as NITRAJE PAM is concerned, though the same falls under the purview of N.D.P.S. Act, 1985, however, the commercial quantity vis-a-vis Nitraje Pam, as prescribed in the schedule to the N.D.P.S., Act, 1985 is 500 gm, whereas number of tablets found are only 1000 tablets, weighing 2mg each, which totals up to only 20 gm, hence, it is submitted that the petitioner can be granted the privilege of regular bail and his case is not hit by the provisions contained in Section 37 of the N.D.P.S. Act, 1985. Lastly, it is submitted that the petitioner has already been suitably punished, inasmuch as, he is in custody since 29.10.2019.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner as also taking into account the fact that the minor quantity of NITRAJE PAM tablets have been



recovered from the petitioner herein, as also considering the period of incarceration of the petitioner herein, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount to the satisfaction of learned Sessions Judge-cum-Special Judge, East Champaran, Motihari in connection with N.D.P.S Case No. 72 of 2019 arising out of Raxaul P.S. Case No. 401 of 2019.

(Mohit Kumar Shah, J)

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