

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.12864 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- D.R.I District- Patna

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1. CHANNOOLAL @ CHANNULAL YADAV, Son of Late Suvarath, Resident of Village - Salahuddinpur, Post- Bakhara, P.S.- Didarganj, District - Azamgarh, Uttar Pradesh.
 2. Sri Rahul Kumar Yadav, Son of Channoolal @ Channulal Yadav, Resident of Village - Salahuddinpur, Post- Bakhara, P.S.- Didarganj, District - Azamgarh, Uttar Pradesh.

... .. Petitioners

Versus

1. The State of Bihar
2. The Union of India

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate Mr. Kumar Ranjit Ranjan, Advocate
For the Opposite Party/s	:	Mr. B.N. Pandey, A.P.P.
For the U.O.I.	:	Mr. Ravindra Kumar Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

- 3 26-08-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard Mr. Devendra Kumar Sinha, learned Senior Counsel for the petitioners, Mr. Ravindra Kumar Sharma, learned Central Government Counsel and Mr. B.N. Pandey, learned A.P.P. for the State.

These two petitioners in the present case are seeking regular bail in connection with Special Case No. 145 of 2020 arising out of DRI Unit Case No. 06/2020-21 registered for the offence punishable under Section 8 (C) read with Section 9 (a) of

the Narcotic Drugs and Psychotropic Substances Act (in short 'N.D.P.S. Act').

As per the prosecution story, the Directorate of Revenue Intelligence, Patna intercepted a truck loaded with huge consignment of Askuf cough syrup having Codein Phosphate contents concealed among miscellaneous goods. These two petitioners who are father and son respectively and petitioner no. 1 is said to be the owner and driver of the vehicle were arrested from the truck itself.

It appears that altogether 11195 bottles of 100 ML each of Askuf cough syrup having the Codein Phosphate in quantity being 2.239 Kg. have been seized. The total consignment was worth Rs. 13,90,586/-.

Learned Senior Counsel for the petitioners submits that that the petitioners are innocent, they have no criminal antecedent and have remained in jail in connection with this case since 28.09.2020, hence they deserve privilege of bail.

On the other hand, Mr. Ravindra Kumar Sharma, learned Central Government Counsel has opposed the prayer for bail of the petitioners. It is his submission that these petitioners had knowingly indulged in trade of narcotic drug and psychotropic substance and they were carrying huge quantity of cough syrup having Codein Phosphate. The quantity of 2.239 Kg. of Codein

Phosphate is much more than the commercial quantity hence, the rigours of Section 37 of the N.D.P.S. Act, 1985 are attracted in this case.

Mr. B.N. Pandey, learned A.P.P. for the State has also supported the submission of learned counsel for the Central Government.

Considering the facts and circumstances of the case wherein huge quantity of cough syrup containing Codein Phosphate is much more than commercial quantity have been seized and these two petitioners were found in the truck and the petitioner no. 1 is said to be owner and driver of the vehicle whereas petitioner no. 2 is his son and both of them were knowing what materials are there in the truck, the petitioners having failed to satisfy this Court with the conditions as contained in Section 37 (i) (b) of the N.D.P.S. Act, 1985, this Court is not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is, thus, refused.

Let the trial be expedited and all endeavours be made by the learned trial court to conclude the trial as early as possible.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.