

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38988 of 2020

Arising Out of PS. Case No.-153 Year-2020 Thana- BAUSI District- Purnia

Md. Yakub, Son of Abdur Rahman, Resident of Village- Talwari Sathiyar,
P.S.- Baisi, Distt- Purnea ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar Singh, Adv.
For the Opposite Party : Mr. Ashraf Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 13-07-2021 As prayed for, through video conferencing, let the learned counsel for the petitioner remove the defect(s), as pointed out by the office vide it's note, dated 23.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The petitioner seeks pre-arrest bail in connection with Special Case No. 14 of 2020 arising out of Baisi P.S. Case No. 153 of 2020, registered under Sections 274, 275 and 276 of the Indian Penal Code, 21(b) of the Narcotic Drugs and Psychotropic Substances Act and 27(b) II, 28, 27(d) and 36(A) of the Narcotic Drugs and Psychotropic Substances Act.

The accusation is of recovery of 40 bottles of Exkaf Syrup, each in volume of 100 ml and 43 bottles of Relax-T Cough Syrup, each in volume of 100 ml without having valid



paper.

The learned counsel for the petitioner submits that M/s Shaban Medical Agency is in the name of petitioner, regarding which licence has been issued by the Assistant Drug Controller-cum-Licensing Authority, Purnia, which would appear from Annexure 2. Further, submission is that the bottles of cough syrup, which is said to be recovered from the medical shop of the petitioner will come under Schedule H1 of the Drugs and Cosmetics Rule, 1945, which is only salable on the medical prescription, but, with ill motive the informant has lodged the case under Narcotic Drugs and Psychotropic Substances Act. Further, submission is that in the judgment, dated 12th April, 2021, passed by a Larger Bench in Cr.W.J.C. No. 887 of 2013, the seized materials will come under the purview of Drugs and Cosmetics Act, regarding which only complaint will lie. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender, within a period of four weeks from today, in connection with Special Case No. 14 of 2020 arising out of Baisi P.S. Case No. 153 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of the
Special Judge, NDPS Act, Purnia, or the successor Court subject
to the conditions as laid down under Section 438(2) Criminal
Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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