

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51782 of 2021**

Arising Out of PS. Case No.-290 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. Hajrat Shekh Son Of Late Hassun Shekh R/O Village- Balurghat, P.S.- Barulghat, District- South Dinajpur, State- West Bengal
2. Kshitish Pahan Son Of Photu Pahan R/O Village- Balurghat, P.S.- Barulghat, District- South Dinajpur, State- West Bengal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Alka Singh, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      08-02-2022                      Heard learned counsel for the petitioners and Smt. Anita Kumari, learned A.P.P. for the State through virtual Court proceedings.

The petitioners seek bail in connection with Kuchaikote P.S. Case No. 290 of 2021 instituted for the offences under Sections 27(b)(ii)27(d) and 28 of the Drugs and Cosmetics (Amendment) Act, 2008 and Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 17.07.2021, are persons with clean antecedent and charge-sheet has been submitted in the case.



Learned counsel for the petitioners submits that informant in the F.I.R. alleges that a truck bearing Registration No. WB-59B/9900 was apprehended from which Phensedyl New Cough Linctus was found, the quantity of Phensedyl New Cough Linctus was approximately 4.78 kgs., the driver of the truck was not able to produce any purchase-sale invoice and thus it is alleged that the truck was carrying drugs without any drug license.

Learned counsel for the petitioners submits that the petitioners are driver and assistant driver of the truck and as such were not aware that as to whether the alleged cough syrup was purchased after paying the tax to the Government or was being carried illegally. Learned counsel further submits that no offence under the N.D.P.S. Act is made out and relies on an order dated 25.11.2021 in **Bail No. 13555 of 2021 (Ajay Bajpai Vs. The State of U.P.)** passed by the Hon'ble Allahabad High Court.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 17.07.2021, charge-sheet has been submitted in the case, petitioners are persons with clean antecedent and the recovery is



of cough syrup, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned D.J., Gopalganj in connection with Kuchaikote P.S. Case No. 290 of 2021.

**(Satyavrat Verma, J)**

Rishi/-

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