

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54459 of 2021

Arising Out of PS. Case No.-519 Year-2021 Thana- KHAJANCHI HAT District- Purnia

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SANJEET SHARMA son of - Shri Bijendra Sharma Resident of - Ward No. 01, Maranga West, P.S.- K. Hat, district- Purnea, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Ms. Preety Kunwar
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-05-2022 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Special Case No. 39 of 2021 (NDPS), arising out of K. Hat (Sahayak) Police Station Case No. 519 of 2021, registered for the offences punishable under Sections 274/275/276/34 of the Indian Penal Code, Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 and Sections 21 (b)/21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The prosecution case, as per the First Information Report, is that 885 bottles of cough syrup of 100 ml. each and 14 bottles of cough syrup of 50 ml. each, containing codeine, were recovered from the godown, which is situated on the first



floor of the medicine shop of the petitioner.

Learned Senior Counsel for the petitioner submits that both the petitioner has been running a shop on the basis of drug license granted by the competent authority and has not committed any offence in the manner alleged. He next submits that as per the Drugs and Cosmetics Act, 10 mg. of codeine in a bottle of 100 ml. of cough syrup come under the permissible limit and if total quantity of codeine is calculated based upon the number of bottles recovered, the quantity of codeine comes to about 9 gms. and under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985, 10 gms. of codeine comes under the small quantity and 1 kg. is the commercial quantity. Accordingly, the submission is that even if the allegation made in the First Information Report is accepted on its face value, the quantity of codeine available in all the bottles of cough syrup is less than the small quantity. He further submits that the petitioner is in custody since 17.06.2021, having no criminal antecedent.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the quantity of codeine available in all the bottles of cough syrup recovered



from the godown of the petitioner comes under the small quantity, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, NDPS, Purnea, in connection with Special Case No. 39 of 2021 (NDPS), arising out of K. Hat (Sahayak) Police Station Case No. 519 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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