

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70880 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- SONBERSA District- Sitamarhi

Raj Kumar Yadav S/O Late Uchitlal Yadav Resident Of Village - Basantpur,
P.S. - Sonbarsa, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 12-09-2022 Learned counsel for the petitioner has filed the
supplementary affidavit today in the Court.

Let it be kept on record.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 8(C), 20(b)
(ii),(c), 21(C), 27(A), 29 of the NDPS Act and Section 25(1-b)a,
26, 35 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. He submits that there is no recovery from conscious
possession of the petitioner rather 94.400 liters of cough syrup
has been recovered from Raju Medical Store. He submits that
petitioner has got license of chemist and druggist and as such,



the petitioner is authorized to keep/store to sale the cough syrup which is used for treatment as a medicine. He also submits that petitioner has got the receipt of recovered cough syrup which was purchased from the wholeseller. He submits that in a similar case in which huge quantity of cough syrup was recovered, this Hon'ble Court has granted anticipatory bail on the submission that the cough Syrup does not come within the purview of N.D.P.S. Act. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that huge quantity of cough syrup has been recovered from the shop of the petitioner.

Considering the facts and circumstances of the case and the fact that LUPICOF-DX, COCAS-DX and DILEX-DC syrup has come under the purview of NDPS Act, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Sonbarsa P.S. Case No. 219 of 2021.

(Anjani Kumar Sharan, J)

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