

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27553 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- KISHUNPUR District- Supaul

Deepak Paswan S/o- Shiv Narayan Paswan, Resident of Juman Chowk Ward
No 05 Forbesganj Police Station Forbesganj, Dist- Araria.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with N.D.P.S.
(Spl) Case No. 27/2022 arising out of Kishanpur P.S. Case No.
264 of 2022 registered for the offence under Sections 20(B) (ii)
(B) 21 (b) of Narcotics Drugs and Psychotropic Substance Act,
1985.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.10.2022.

The allegation against the petitioner is to have in
possession of 387 litres of cough syrup where one of the
constituent is Codeine alleged to be a narcotic drugs. The name



of cough syrup is Eskuf.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver and a man of clean antecedent. It is submitted that nothing surfaced during the course of investigation which may suggest that petitioner being driver was under knowledge that the constituent/composition of the cough syrup is Codein and same is a narcotic drugs and prohibited under the law. It is further submitted that if composition of “Codeine” is taken into consideration would not be more than commercial quantity, and as such, the rigorous implication of Section 37 of N.D.P.S. Act is not appears applicable in present facts and circumstances. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail fairly submitted that as per the counter affidavit filed on behalf of S.P., Supaul dated 22.06.2023, the composition of Codeine of cough syrup is less than commercial quantity.

Considering the facts and circumstances as mentioned above as petitioner is a driver of the vehicle, where the narcotic drugs as composition is appearing less than commercial



quantity, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.10.2022 accordingly, petitioner above named, is directed to be released on bail in connection with N.D.P.S. (Spl) Case No. 27/2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-Cum-Special Judge, N.D.P.S., Supaul/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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