

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27221 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- RAGHOPUR District- Supaul

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SARVESH SINGH Son of Mithlesh singh R/V- Piprahi, Ward no. 13, PS-
Raghopur, Dist- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India Govt. of India

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dr. Krishna Nandan Singh (Asg)

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Raghopur
P.S. Case No. 60 of 2023 dated 11.02.2023 registered for the
offence punishable under Sections 21(b), 26(b), 22(b), 25 and
29 of the Narcotics Drugs and Psychotropic Substances Act.

3. The prosecution case, in short, is that on 11.02.2023,
the informant along with his team raided Hind Motors
Workshop and apprehended co-accused namely, Md. Mumtaz
and recovered one cartoon of Codeine mixed Cough Syrup
containing 40 bottles of 100 ml and 8 empty bottles from Sumo
vehicle standing in the workshop. It is further alleged that the
co-accused disclosed that the seized bottles belong to the



petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that from perusal of the F.I.R., it appears that the name of the petitioner has appeared in the F.I.R. only on the basis of confessional statement of co-accused Md. Mumtaz. It is submitted that, the allegation that the seized 40 bottles i.e. total 4 litres Codeine Syrup belongs to the petitioner, is only based on the confessional statement of the co-accused and during the course of the entire investigation no incriminating material against the petitioner has been found. It is further submitted that the petitioner has no concern with the aforesaid workshop. It is also submitted that nothing has been recovered from the conscious possession of the petitioner. Further, it is submitted that in case of ***Pappu Gupta vs State of Madhya Pradesh*** vide order ***dated 23.04.2021*** passed in ***Criminal Miscellaneous No. 45065 of 2020***, the Hon'ble High court has held that:-

“65 bottles of Welcyrex Cough Syrup containing Narcotic Drug (Codeine Phosphate) allegedly been seized from the possession of the co-accused Sanju @ Sandeep Tiwari falls



within the category of “Essential Narcotic Drugs” as defined under Section 2 (viii) of the N.D.P.S. Act not under the “manufactured drug” or psychotropic substance”.

Lastly, it has been submitted that the petitioner is in custody since 12.02.2023, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge- Special Judge N.D.P.S., Supaul (corresponding to Special N.D.P.S. Case No. 09 of 2023) in connection with Raghapur P.S. Case No. 60 of 2023.

(Khatim Reza, J)

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