

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42927 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

SURAJ KUMAR SON OF SRI RAJ KUMAR RESIDENT OF - A/535/1
TEKHAND OKHALA, P.S.- OKHALA, DISTRICT- SOUTH DELHI (NEW
DELHI)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-01-2023 Heard the learned counsel for the
petitioner and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Kuchaykote P.S. Case No. 84 of 2022, for the offence registered under Sections 27(b) (ii), 27(d) and 28 of the Drugs & Cosmetics (Amendment) Act, 2008 and Section 22 of the NDPS Act, 1985.

The allegation is regarding the police team having apprehended a truck, which was coming from Uttar Pradesh, whereafter, the petitioner, who was driving the said truck, was caught and on search 14,800 bottles of Phensedyle New Cough Linctus syrup was recovered from the said truck.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 04.03.2022. The learned counsel for the petitioner has further submitted that the petitioner is merely the driver of the truck in question. Nonetheless, it is submitted that the quantity of codeine, recovered from the possession of the petitioner, is much less than the commercial quantity defined in the Schedule notified under the provisions of the NDPS Act, 1985 i.e. 1 kg, inasmuch as Drug Inspector, upon having made preliminary enquiry has found 10 mg codeine Phosphate to be present in each 100 ml. bottle, thus the total quantity of codeine, as alleged to be existing in 14,800 bottles, totals up to a meager quantity of 148 gm, hence, there is no impediment in grant of bail to the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, taking into account the



materials available on record as also considering the aforesaid submissions made by the learned counsel for the petitioner to the effect that the quantity of codeine alleged to be present in the said cough syrup bottles is less than the commercial quantity specified in the Schedule notified under the provisions of the NDPS Act, 1985, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Gopalganj in connection with Kuchaykote P.S. Case No. 84 of 2022.

(Mohit Kumar Shah, J)

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