

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46604 of 2022

Arising Out of PS. Case No.-290 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

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DINESH PASWAN Son of Joy Narayan Paswan Resident of Village -
Kogresh Para, Kachi Kala, P.s.- Balurghat, Distt.- south Dinajpur, Pin Code-
733101, State - West Bengal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh
		Mrs. Alka Singh
		Mr. Nikhil Singh
For the Opposite Party/s :		Mr. Arun Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 09-02-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends his arrest for the

offences alleged under Sections 27(b) II, 27(d), 28 of the Drugs

and Cosmetics Act, 2008 and Section 22(b) of the NDPS Act,

1985, registered in connection with Kuchaikote P.S. Case No.

290 of 2021.

The learned counsel for the petitioner has

submitted that he is the owner of the truck wherefrom 4.78 kg

codeine phosphate was recovered. He has submitted further that,

as per the allegation, he has violated the terms of the licence. He

has also submitted that codeine phosphate is not a narcotic



substance. As such, the provision of NDPS Act is not attracted.
The petitioner is a person of clean antecedent.

Considering the fact that the petitioner is merely an owner of the truck, wherefrom codeine phosphate was recovered and he is a person of clean antecedent, let him above-named, in the event of his arrest or surrender within four weeks from the date of communication of this order, 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 and Sessions Judge Gopalganj in connection with Kuchaikote P.S.Case No. 290 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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