

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64379 of 2022

Arising Out of PS. Case No.-401 Year-2022 Thana- RAXAUL District- East Champaran

Rambharosh Prasad Son Of Late Yodha Prasad R/O Vill.- Krishnanagar, Ward
No. 3, P.S.- Raxaul, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr.Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Raxaul
P.S. Case No.401 of 2022 registered for the offence under
Section 21(b) of the Narcotic Drugs and Psychotropic
Substances Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.08.2022.

The allegation against the petitioner is to have in
possession of certain drugs alongwith other co-accused persons,
where one of the important constituent is ‘codine’, a contraband
drugs, causing to lodge the present F.I.R.

Learned senior counsel appearing on behalf of the
petitioner submitted that the petitioner is the owner of the



premises who provided alleged room from where alleged recovery was made, vide rent agreement dated 25.06.2022 (annexure no. 02 of the main bail petition). It is submitted that for any illegalities related with pharmaceutical drugs, the F.I.R. is not to be lodged as same is not maintainable under Drugs and Cosmetics Act 1940, where it is provisioned that proceeding may be initiated only through lodging proper complaint. It is also submitted by learned senior counsel that 'codine' is one of the approved constituent of alleged drugs, which was manufactured by reputed pharmaceutical company for which the petitioner cannot be held responsible. It is also pointed out that active participation of petitioner is not available from the bare perusal of F.I.R., which surprisingly lodged on 15.08.2022, where report of Drug Inspector, Motihari was made available subsequently on 16.08.2022. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner appears to be



the owner of the premises where thrust of allegation is available against the co-accused/tenant coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Raxaul P.S. Case No.401 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, East Champaran, Motihari/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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