

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34807 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- LAHERIYASARAI District- Darbhanga

1. Chandan Kumar Mahto son of Ganesh Mahto Mohalla- Saidnagar Bakarganj
Ps- Laheriasarai Dist- Darbhanga
2. Rohit Kumar son of Manoj Sah Village- Simri Ps- Baheri Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha

For the Opposite Party/s : Mr.Navin Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Laheriasarai P.S. Case No. 158 of 2024 dated 16.03.2024 registered for the offences punishable u/ss 8(c), 21(c), 29, 35 of the N.D.P.S. Act.

3. As per the prosecution case, police apprehended the petitioners with Scooty. On search, 54 pieces AFF Cod Syrup each containing 100 ml, 154 Korcof-C Syrup each containing 100 ml were recovered from the possession of the petitioners.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated



in this case. The petitioner no. 1 is the owner of the Scooty but the petitioners have no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioners. It is further submitted that the said recovery i.e. 54 pieces AFF Cod Syrup each containing 100 ml, 154 Korcof-C Syrup each containing 100 ml which is composition of Chlorpheniramine Maleate and Dextropropoxyphene Hcl that do not come under the purview of N.D.P.S. Act. Learned counsel for the petitioner placed reliance on the order of **Sandeep Kumar @ Shinda vs. State of Punjab (CRM-M-14264 of 2013)** decided on May 13, 2016 in which the Hon'ble Court relied in the case of **Jagjit Singh Vs. State of Punjab** and cited that “ *The Drugs Codeine Phosphate and Chlorpheniramine Maleate in which the Drug Codeine Phosphate is covered at No. 35 of Notification No. 826E Dtd. 14.11.1985 & hence not covered under NDPS Act, 1985. Chlorpheniramine Maleate is a schedule H Drug under Drugs and Cosmetics Act, 1940. The Drug Dextropropoxyphene Hcl is covered at No. 87 of Notification No. 826 E Dt. 14.11.1985 & hence not covered under NDPS Act, 1985 being in the form of Drugs dosage formulation.*” The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since



17.03.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Darbhanga in connection with Laheriasarai P.S. Case No. 158 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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