

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43508 of 2024

Arising Out of PS. Case No.-160 Year-2024 Thana- MURLIGANJ District- Madhepura

Ranjeet Kumar @ Ranjeet Sah S/o Late Om Prakash Sah R/o village-Murliganj, ward No.-06, p.S.-Murliganj, District-Madhepura(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Advocate
Mr. NK Agrawal , sENior Advocate
Mr. ArviNd Kumar , Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-07-2024 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under Section 420 of Indian Penal Code , 1860 , Section 21(C) of the NDPS Act 1985 and Section 30 (A) of Bihar Prohibition Excise Act 2018 .

3. As per the prosecution case , 44 cartoons (4400 pieces) each of ml containing codeine cough syrup was recovered was recovered from the shop of the petitioner. The cough syrup was being sold for use as a substitute for intoxication . It is further alleged that storage , sale and purchase of codeine containing syrup is an offence .

4. It is submitted on behalf of the petitioner that



cough syrup in question was purchased by the petitioner in regular course of business from a whole seller named M/s Radha Pharma, Purnea who is an authorized distributor of manufacturer of the same. Petitioner was not present at the time of inspection made by the informant hence purchase memo could not be processed. The informant is a police inspector and he is not empowered to make inspection, search or prepare seizure under the Drugs and Cosmetics Act. It is further submitted that the sample of the seized cough syrup was sent to Government Analyst. Bihar Drugs Control Laboratory, Government of Bihar, Patna and in three separate sheet FSI reports has been submitted that the cough syrup is as per the prescribed limit. As per the reports, the composition of cough syrup does not contain codeine and the composition of cough syrup was as per prescribed specimen in Drugs Act that too without codeine and the aforementioned report is Annexed with P 4 to the bail petition .

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on



bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge - 5th cum Special Judge , Excise Madhepura in connection with Murliganj P.S. case No. 160 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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