

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48395 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- RAXAUL District- East Champaran

1. Ashok Kumar Son of Late Hira Lal Sah R/o Village - Haraiya Singhpur, P.S. - Haraiya O.P., District - East Champaran.
2. Chandra Bhushan Singh Son of Shankar Singh R/o Village - Haraiya Singhpur, P.S. - Haraiya O.P., District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-09-2024 Heard Learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No.109 of 2024, registered on 02.04.2024, for the offences punishable under Sections 21(b), 22 and 29 of the N.D.P.S. Act.

3. As per the prosecution, F.I.R. has been lodged against three named accused persons including the present petitioner with allegation that upon secret information, raid has been made in the shop situated in the house of the petitioner no.

1. The accused persons were fled away from the place and recovery of cough syrup 100 ML total 33 pieces and Nitravet-10



tablet 50 pieces have been recovered.

4. Learned Counsel for the petitioners submits that petitioners are innocent and have committed no offence. He submits that the said cough syrup is alleged to be containing the N.D.P.S. material i.e. Codeine Phosphate. He submits that as per his information communicated with the informant each 5 litre contains about 9.65 MG Codeine Phosphate as mentioned in the report of Bihar Drugs Control Laboratory.

5. Learned counsel for the State submits that the case diary, FSL report as well as report of the Bihar Drugs Control Laboratory have come. According to FSL, each tablet contains 0.56 gram of NDPS material, and since it was 20 tablets therefore it is about 1.2 gram of NDPS material. He further submits that by Bihar Drug Control Laboratory each 5 ML contains 9.65 milligram therefore total quantity of cough syrup is 3,300 milligram shall contain about 6.3 gram of the NDPS material.

6. Upon total calculation, it comes to the tune of less than 10 gram which comes within the permissible limit. This Court also finds that there is no criminal antecedent of the petitioners.

7. Having regard to the facts and circumstances of the



case, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Thirty Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Court-II N.D.P.S., East Champaran at Motihari in connection with Raxaul P.S. Case No.109 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

Ankit Kumar/-

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