

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52442 of 2024**

Arising Out of PS. Case No.-57 Year-2024 Thana- TARAPUR District- Munger

Pranav Kumar Jha Son of Late Nakul Jha R/O Vill.- Satkhariya, P.s.- Tarapur,
Dist.-Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr. Jyoti Ranjan Jha, Adv.
Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 31-08-2024 Heard learned counsel appearing on behalf

of the parties.

2. The petitioner seeks bail in connection with

N.D.P.S. P.S. Case No. 06 of 2024 (Arising out of

Tarapur P.S. Case No. 57 of 2024) registered for the

offence under Sections 8(C)/21(C)/29 of the N.D.P.S.

Act.

3. The petitioner is named in the F.I.R. and is

in custody since 22.03.2024.

4. The allegation against the petitioner is to

have in possession of different cough syrups and



medicines, where one of the constituents was found as '**Codeine**', which is a contraband/narcotics substance.

5. Mr. N.K. Agarwal, learned senior counsel appearing on behalf of the petitioner submitted that petitioner implicated in present case falsely and he was running a medical shop under valid license. It is pointed out by senior counsel that as shop of this petitioner was asked to be vacated by landlord he shifted medicines including cough syrups in his house. It is pointed out that mere a regulatory violation regarding change of place of business surfaced out of compulsion and for that limited reason, the petitioner made accused in this case. It is submitted that the 'Codeine' is one of the prescribed and approved composition of the cough syrup which was manufactured by reputed pharmaceuticals company and as same was obtained under valid license being a medical shop owner by the petitioner, and as such the implications of petitioner is completely unfounded. It is also submitted by learned senior counsel



that from the bare perusal of the FIR it appears that this is a case which falls under the perview of Drug and Cosmetic Act, 1940 where there is mandatory provisions of filing complaint. In support of his submissions learned senior counsel relied upon the FIR itself which shows strength by presence of medical inspector at the time of raid itself. It is further submitted that the compliance of Section 100(4) of the Cr.P.C not appears to be followed in the present case.

6. Learned APP opposes the prayer of bail.

7. In view of the aforesaid facts and circumstances as implication of this petitioner, *prima-facie*, appears only being the owner of medical shop, who is in custody since 22.03.2024, coupled with fact that charge-sheet has already been submitted, accordingly, above named petitioner, is directed to be released on bail in connection with N.D.P.S. P.S. Case No. 06 of 2024 (Arising out of Tarapur P.S. Case No. 57 of 2024) on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Munger subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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