

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81772 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- RAXAUL District- East Champaran

Akhilesh Kumar Son of Late Suresh Gupta @ Suresh Prasad Gupta Resident
of Aashram Road, Ward No. 10, P.S. - Raxaul, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 82554 of 2024

Arising Out of PS. Case No.-200 Year-2024 Thana- RAXAUL District- East Champaran

Md. Iqbal Alam @ Md. Iqbal Son of Md. Maksud Alam @ Maksud Alam
Resident of Village - Bahadurpur, Gamhariya Kala, P.S. - Darpa, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 81772 of 2024)
For the Petitioner/s : Mr. Asif Kalim
For the Opposite Party/s : Mr. Jitendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 82554 of 2024)
For the Petitioner/s : Mr. Asif Kalim
For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 217-12-2024
1. Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out
of Razaul (Haraiya OP) Police Station Case No. 200 of
2024, dated 09.06.2024, disclosing offences under
Section 414 of the Indian Penal Code and Sections



21(c)/23(c)/29 of the Narcotic Drugs and Psychotropic Substance Act.

3. The prosecution case, as per the First Information Report, is that the police, on the basis of secret information that one Rohit Kumar is transporting huge quantity of banned cough syrup, proceeded towards the place of occurrence and saw one person riding on the motorcycle, bearing BR05-M-5617, on seeing the police party, he tried to flee away, but was apprehend by the police, who disclosed his name as Rohit Kumar. Upon search, a total 32 liters of cough syrup of Onerex brand in 360 bottles of 100 ml each containing codeine phosphate has been recovered.
4. Learned counsel for the petitioner submits that the petitioner have falsely been implicated in the present case and the name of the petitioners have transpired on the basis of confessional statement made by the co-accused Rohit Kumar. He further submits that neither the cough syrup nor the motorcycle, in question, belongs to the petitioners and no contraband article has been recovered from the possession of the petitioners. The specific allegation is against the co-accused Rohit Kumar and the petitioners were not present at the place of occurrence.



Referring to the Drugs Control Administration report, learned counsel submits that the quantity of codeine in each bottle of Onerex Cough Syrup has been assessed to be 05 ml i.e. a total of 72 ml of codeine from the recovered cough syrup which is not a commercial quantity.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of offence and the fact the police has recovered huge quantity of cough syrup containing codeine from co-accused who disclosed the names of the petitioners, I am not inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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