

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9159 of 2025

Arising Out of PS. Case No.-923 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Md. Hassan Son of Musharaf Resident of village - Lalwara, P.S.- Mainather, District - Moradabad (Uttar Pradesh)
2. Md. Aariz Son of Md. Aslam @ Aslam Hussain @ Aslam Resident of village - Barhedha, P.S.- Mainather, District - Moradabad (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Adv

: Mr. Sanchay Srivastava, Adv

: Mrs. Sonali Priya, Adv

: Mr. Sushant Srivastava, Adv

: Mr. Ashish Kumar Palit, Adv

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 27-08-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. Both petitioners seeks bail in connection with Kaimur Excise P.S. Case No. 923 of 2024 registered for the offences under Sections 8(c), 21(c) and 29 of the NDPS Act.

3. Both petitioners are named in the F.I.R. and are in custody since 03.12.2024.

4. As per FIR, a truck bearing reg. no. UP 21 CT 9511 was found carrying total of 11,740 liters of *phensedyl* cough syrup was seized, where one of the composition is codeine and salt as used for preparation is “*codeine phosphate*”, where codeine is one



of the composition, which is prohibited drug in view of NDPS Act, 1985.

5. Mr. Chittaranjan Sinha, learned senior counsel appearing on behalf of the petitioners submitted that petitioners are driver and helper of the alleged truck. It is pointed out that alleged consignment of M/s. Abbott Healthcare Pvt. Ltd., was loaded from its warehouse at Panchkula Haryana, for M/s. Saili Traders of Ranchi under valid invoice. It is submitted that drug is cough syrup manufactured by reputed pharmaceutical company and as one of the composition was codeine, present implication was raised under NDPS Act, 1985. It is submitted that composition of drug was not under the knowledge of driver and helper, therefore, their culpable mental state *qua* narcotic substance cannot be gathered and, therefore, there is no question to import rigors of Section 37 of the NDPS Act in present factual scenario. It is submitted that case to carry cough syrup and implication of petitioners is nothing, but police atrocities, where for no reason petitioners being driver and helper were implicated with the present offence. While concluding the argument it is submitted that both petitioners are men of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.



6. Learned APP appearing on behalf of the State, while opposing the prayer for bail could not disputed the aforesaid factual submission.

7. In view of aforesaid factual submission and by taking note of fact as recovered *phensedyl* cough syrup appears to be manufactured under the valid license and was in transit under valid invoice/ challan for Ranchi, coupled with the fact as both petitioners remains in custody since 03.12.2024 being of clean antecedent, accordingly both above named petitioners, are directed to be released on bail in connection with Kaimur Excise P.S. Case No. 923 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-cum-Special Judge (N.D.P.S), Kaimur at Bhabhua/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

