

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15905 of 2025**

Arising Out of PS. Case No.-751 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Vikash Singh S/O Late Sri Satbir Singh Resident of Village- Karsindhu, P.S-
Uchana, District- Jind, Haryana- 126115.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv
Mr. Shankar Kumar Choudhary
Mr. Amish Kumar, Adv
Mr. Anmol Bharti, Adv
Mr. Aamir Hayat, Adv
For the Opposite Party/s : Mr. Anita Kumari, APP

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER**

3 21-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner makes a prayer for grant of regular
bail in connection with Excise P.S.Case No.751 of 2024
registered under sections 8, (c), 21 (c) and 29 of the NDPS Act.

3. The prosecution story in short is that the Excise
Officials while carrying out checking of vehicles intercepted a
container bearing registration no. HR55AC-4084 and upon
inquiry the driver of the said vehicle disclosed his name as
Vikash Singh, who is the present petitioner and he did not give



satisfactory answer with respect to the materials loaded on the said container. Upon search, a total of 625 cartoons of codeine cough syrup, in total 7500 liters, were recovered inside the container. It has also been alleged that the driver of the truck failed to provide the documents regarding the consignment and hence, the FIR was lodged.

4. Learned counsel for the petitioner submits at the outset, that the petitioner is a driver of the truck which was intercepted by the Excise Officials and he has no direct connection either with the consignor or the consignee. It is further submitted that the petitioner had supplied all the related documents which was furnished before the inspecting authorities and all the valid documents related to the said consignment including a valid driving licence, have been brought on record by way of Annexures 2 to 5 to the main application and Annexures attached to the supplementary affidavit. It has also been submitted by the learned counsel appearing for the petitioner that the goods were properly packed and transported in sealed bags and no attempt was made whatsoever to conceal the said consignment. It has also been submitted that an unlawful search and seizure was made by the Excise Department on the Bihar border, while the consignment



was sent from Delhi to West Bengal and subsequently, the provisions of N.D.P.S Act have only been unauthorizedly invoked . It is further submitted that on the basis of valid documents the medicine seized in the consignment do not attract the provisions of the N.D.P.S Act and they are regulated drugs which would be covered under the provisions of Drugs and Cosmetics Act 1940. In any view of the matter, the fact remains that the petitioner is only a driver of the said vehicle and he is on a contract/ hire basis having no knowledge about the chemical composition of the medicines or the permissible limits of quantity thereof. Moreover, charge sheet has been submitted against the petitioner.

5. The learned APP for the State however, opposes the grant of bail on the ground of quantity of the consignment.

6. Taking into consideration that the petitioner is neither the consignor nor the consignee and is not related to the said consignment but for being the driver of the said vehicle, and he is in custody since 29.09.2024 with no criminal antecedent, let the petitioner 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 learned Sessions Judge Kaimur in connection with Excise P.S.Case No. 751 of 2024,



subject to the condition that the petitioner shall co-operate in the investigation/ trial till its conclusion and he will remain present on on each and every date before the learned court below till the charges are framed. In case of default in such appearance on two consecutive dates, the trial Court will have liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

N.K/-

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

