

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69801 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- RAUTARA District- Katihar

Md. Shadab @ Md. Ladla @ Ladlan S/o Md. Sahid R/o Village- Sharifganj,
P.S.- Katihar Sahayak, District- Katihar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69826 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- RAUTARA District- Katihar

Banti Singh S/o Late Vikram Singh R/o - Naya Tola, Tingachhiya, P.S - Nagar
(Town), District – Katihar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69801 of 2025)

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

(In CRIMINAL MISCELLANEOUS No. 69826 of 2025)

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-12-2025

Cr. Misc. No. 69801 of 2025

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Rautara
P.S. Case No. 59/2025 registered for the offence under Sections
8(C), 21(C), 22(C), 25/29 of the NDPS Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 16.04.2025.

4. As per prosecution case, from the car of petitioner
128 litres of “Codeine” cough syrup was recovered and from the



car of co-accused 20 litres of Triprolidine Hydrochloride & Codeine Phosphate, *CODIVA* Syrup was recovered.

5. Learned counsel appearing for the petitioner submitted that the consignment in issue was of co-accused, namely, Vivek Kumar, who is a valid licence holder of retail and wholesale of medicine business which is valid till 23rd October, 2029. It is pointed out that consignment in issue was purchased from Kamron Health Care Pvt. Ltd., Gujarat and was in process of transportation when it entered into the territory of Bihar, it was seized by the police under the various provisions of Bihar Excise Prohibition Act, 2016.

6. Arguing further, it is submitted that petitioner is the driver having no connection with the medicine activities and nothing transpired during course of investigation, which may suggest that the petitioner being driver was under knowledge for carrying consignment and also having knowledge that one of the composition of the cough syrup is “*Codeine*”, which is prohibited under NDPS Act or syrup as whole is prohibited under Bihar Excise Prohibition Act and, therefore, in want of knowledge it cannot be said that the petitioner was of culpable mental state in view of Section 35 of NDPS Act. It is submitted that in view of same, the rigours of Section 37 of the NDPS Act not appears applicable in



present case. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, petitioner is a man of clean antecedent.

7. Learned APP while opposing the prayer of bail submitted that recovery is of commercial quantity and in support of his submission, he referred the legal report of ***Hira Singh & Another Vs Union of India & Another***, reported in ***(2020) 20 SCC 272***, however, it is fairly conceded that the petitioner is driver.

8. Considering the aforesaid factual submissions and by taking note of fact as petitioner is the driver where, *prima facie* nothing appears surfaced during investigation as to suggest that he was under knowledge for carrying such consignment, where one of the composition is “*codeine*”, prohibited under NDPS Act, coupled with the fact that investigation of this case is already completed, where petitioner being man of clean antecedent, remains in custody since 16.04.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Rautara P.S. Case No. 59/2025 vide NDPS No. 62/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-IIInd, Katihar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

Cr. Misc. No. 69826 of 2025

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Rautara P.S. Case No. 59/2025 registered for the offence under Sections 8(C), 21(C), 22(C), 25/29 of the NDPS Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 16.04.2025.

4. As per prosecution case, from the car of petitioner, 20 litres of Triprolidine Hydrochloride & Codeine Phosphate, *CODIVA* Syrup and from the car of co-accused, 128 litres of “*Codeine*” cough syrup was recovered.

5. Learned counsel appearing for the petitioner submitted that the consignment in issue was of co-accused, namely, Vivek Kumar, who is a valid licence holder of retail and wholesale of medicine business which is valid till 23rd October, 2029. It is pointed out that consignment in issue was purchased from Kamron Health Care Pvt. Ltd., Gujarat and was in process of



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7. Learned APP while opposing the prayer of bail submitted that recovery is of commercial quantity and in support of his submission, he referred the legal report of ***Hira Singh &***



Another Vs Union of India & Another, reported in **(2020) 20 SCC 272**, however, it is fairly conceded that the petitioner is driver.

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(Chandra Shekhar Jha, J)

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