

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2225 of 2024

Arising Out of PS. Case No.-65 Year-2024 Thana- SARSI District- Purnia

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Adnan Medical And Surgical Agency Proprietor Md. Akhlak Alam Son of
Md. Mujahid Alam, Resident of Village- Parasmani, P.S.- Sarsi, Distt.- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna Bihar
2. The Director General of Police, Bihar, Patna
3. The District Magistrate, Purnea
4. The Superintendent of Police, Purnea
5. The Deputy Superintendent of Police, Banmankhi, Purnea
6. The Officer-in-Charge of Sarsi, Police Station, Purnea
7. The Investigation Officer of Sarsi Police Station, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Adv., Ms. Bharti Kumari, Adv.
For the State	:	Ms. Dimpal Kumari, AC to GP-11

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

5 28-02-2025 Indisputably Sarsi P.S. Case No. 65 of 2024, dated

20.03.2024 was registered against the petitioner under Section

21(C) of the N.D.P.S. Act.

2. On an allegation that he was in unauthorised and

illegal possession of huge quantity of narcotic drugs in his

house. It is also not disputed that Police conducted a search in

the house of the petitioner and recovered the cartoons of

Codeine syrup.

3. Defence of the petitioner is that the petitioner runs



a business of medicine shop, on the basis of drug license, issued by the competent Authority, trade license and other documents necessary for running the said business.

4. There is a subsisting agreement between Trustway Pharmaceuticals being the manufacturer of certain drugs and Adnan Medical and Surgical Agency, the business concern of the petitioner for supply and delivery of drugs and pharmaceutical item for sale in the District of Purnea, Bihar. As a result, the petitioner gave order of Blurex-T Cough Syrup for delivery. Purchase order was issued in the name of the business concern of the petitioner, G.S.T. invoice was raised and the product was delivered to his house in the morning hour of the day, because at the relevant point of time his shop was closed. Thus, he took delivery of the medicines in his house. On the same day at about 9:00 A.M., Police conducted a search and recovered the packets of Blurex-T Cough Syrup from the house of the petitioner. The said articles were seized as the petitioner failed to produce any license in respect of his business in the address to his residential house.

5. The learned counsel on behalf of the petitioner also refers to the order of bail passed by the learned Special Judge, considering the above mentioned facts and circumstances.



6. The respondents have filed a counter affidavit alleging the same fact that the petitioner unauthorisedly stored commercial quantity of narcotic drugs, for which he failed to account for and the said articles were seized and a case was registered under Section 21(C) of the N.D.P.S. Act. On the issue, as to whether the petitioner is entitled to get return of the seized medicines or the same is liable to be confiscated and/or disposed off and/or destroyed, are the issues to be decided during trial of the case.

7. This Court is under obligation to deal with the issue on the basis of affidavits and documents filed by the parties. Annexure P/5 is a relevant document in this regard, which is the petitioner's own document. In the said letter dated 19th March, 2024, the petitioner himself stated that he placed order for Blurex-DX-100 ml. Cough syrup, but the Company wrongly supplied Blurex T. Cough Syrup. Blue-T Cough syrup is a Cordein mixture, which is a scheduled drug under the N.D.P.S. Act. From petitioner's own documents, it is found that the petitioner did not place any order for Blurex-T Cough syrup. Huge quantity of Blurex-T Cough syrup were recovered from the house of the petitioner. When narcotics substance is found in possession of the petitioner, reverse burden shifts upon him



under Section 35 of the N.D.P.S. Act to prove that he was in possession of the Narcotics Drugs and Psychotropics Substance lawfully.

8. When the petitioner admits that he never issued any purchase order for Blurex-T Cough syrup, this Court is of the view that petitioner is not entitled to get back the seized articles.

9. In view of the above discussion, I do not find any merit in the instant criminal writ petition and accordingly, the same is dismissed on contest.

(Bibek Chaudhuri, J)

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