

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69246 of 2019

Arising Out of PS. Case No.-551 Year-2019 Thana- MADHEPURA District- Madhepura

Rabindra Yadav @ Nunu, age 35 years, Male, Son of Upendra Yadav
Resident of Village-Bhirkhi, Ward No.23, P.S. and District-Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 & 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No.551 of 2019 dated 22.06.2019 registered at Police Station-Madhepura, District-Madhepura under Sections 18(i), 27(b)(ii), 22 (I) [CCA], 22 (3) of Drugs & Cosmetics Act, 1940 amendment under Section 08.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Allegedly 66 bottles of 100 ml of DILAEX-DC cough syrup of 100 ml, total 96 bottles were recovered.

Learned counsel for the petitioner submits that he has been falsely implicated in this case. The recovery has not been made from the conscious physical possession of the petitioner.

It is submitted by learned counsel for the petitioner



that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 08.08.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned CJM, Madhepura in connection with Madhepura P.S.Case No.551 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the



investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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