

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70230 of 2018

Arising Out of PS. Case No.-221 Year-2018 Thana- JOGBANI District- Araria

Babloo Kumar Sah S/o Ganga Prasad Sah, Resident of Village- Palasi, P.S.-
Narpatganj, District- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party	:	Mr. J. K. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 05-03-2019 Heard learned senior counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 21/22 of the Narcotic Drugs & Psychotropic Substances Act and Section 27(b)/28 read with Section 36 of the Drugs and Cosmetics Act registered in connection with Jogbani P.S. Case No. 221 of 2018 giving rise to Special Case No. 18 of 2018.

3. It is submitted that the petitioner has been falsely implicated in connection with alleged recovery of 740 bottles of 100 ML each of Dialex-DC cough syrup which was being transported on Mahendra Scorpio. The petitioner is not named in the first information report and his name has transpired on the confessional statement of co-accused Vimal Kumar Sah except which there is no material to connect the petitioner with the alleged occurrence. It is stated that the petitioner had no concern with the seized Dialex-DC cough syrup. It is further submitted that in the FIR it has not been stated whether Dialex-DC cough syrup contained codeine. Co-accused Santosh Kumar Ray @ Santosh Kumar Mahto @ Santosh Ray who is said to be intended purchaser of the goods as well as co-



accused Dinesh Paswan have been granted anticipatory bail by coordinate Bench of this Court vide orders dated 19.02.2019 and 21.01.2019 passed in Cr. Misc. No. 9209 of 2019 and Cr. Misc. No. 67699 of 2018, respectively.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Araria in connection with Jogbani P.S. Case No. 221 of 2018 giving rise to Special Case No. 18 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

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

(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 bond shall be liable to be cancelled by the learned Court concerned.

(iv) That 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.

BT/Chandran

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(Vikash Jain, J)

