

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14236 of 2020

Arising Out of PS Case No.-119 Year-2019 Thana- KANHAULI District- Sitamarhi

1. Lalbabu Paswan, (Male), aged about 21 years, Son of Late Bikau Paswan, Resident of Village- Shankarpur Soulti Bazar, Bangmati Nagar Palika-8, P.S.- Khate Chowki, District- Sarlahi, Nepal.
2. Vikram Yadav, (Male), aged about 20 years, Son of Chetan Yadav, Resident of Village and P.S.- Murtiya Baratawa, District- Sarlahi, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 12-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners are in custody in connection with Kanhauli PS Case No. 119 of 2019 dated 09.11.2019 instituted under Sections 336 and 418 of the Indian Penal Code and 27(b)(ii) and 28 of the Drugs and Cosmetics Act, 1940.



4. The allegation against the petitioners is that they were caught bringing medicines/drugs from Nepal without valid documents/licence.

5. Learned counsel for the petitioners submitted that they are innocent and the recovery has not been made from their conscious possession and they have been falsely implicated. It was further submitted that even as per the allegation, the medicines/drugs were not fake and at best were being brought into India illegally without valid papers/licence. Learned counsel submitted that the petitioners have no criminal antecedent and are in custody since 10.11.2019.

6. Learned APP submitted that the petitioners were caught bringing the medicines/drugs without authority. However, learned APP did not controvert the fact that there is no allegation of the medicines/drugs being fake. It was submitted that chargesheet has been submitted and the case is fixed for framing of charge, as per the statement made in the application.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ADJ 1st, Sitamarhi in



Kanhauli PS Case No. 119 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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