

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26762 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- SURSAND District- Sitamarhi

Mahavir Chaudhary, S/O- Baburam Chaudhary, Resident of Village-
Meghpur, Ward No.13, P.S.- Sursand, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Murari, Advcoate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

4 14-12-2021 The applicant/accused in Crime No. 28 of 2021 registered with Sursand Police Station for the offences punishable under Sections 414 and 420 of the Indian Penal Code as well as Sections 18C, 18A, 27(b)(ii) and 28 of the Drugs and Cosmetics Act 1940, by this application is seeking his release on bail during pendency of the trial. Undisputedly the charge sheet has been filed.

Heard the learned counsel appearing for the applicant/accused. He drew my attention to the FIR lodged on 18.01.2021 by one Dashrath Prasad Singh-Police Officer of Sursand Police Station wherein it is averred that the applicant was transporting 12 bottles of syrup containing codine without any document. The learned counsel for the applicant drew my attention to private criminal complaint bearing Complaint



Case No. 191 of 2020 filed by his family member Brajesh Kumar Chaudhary against first informant Dashrath Prasad Singh. He also drew my attention to the drug license of the applicant which is at Annexure 3 to the application. With this, it is argued that the applicant was transporting the drugs purchased by him under valid receipt placed on record and because of enmity, he has falsely implicated in the crime in question.

The learned Additional Public Prosecutor opposed the application by contending that there is recovery from the applicant.

I have considered the submissions so advanced and also perused the materials placed before me.

The investigation of the crime is over. The first informant Dashrath Prasad Singh is shown as an accused in a private criminal complaint filed by the family members of the applicant. The applicant is having drug license. In this view of the matter, after completion of the investigation, pretrial detention of the applicant is not warranted and hence, the order:-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 28 of



2021 registered with Sursand Police Station for the offences punishable under Sections 414 and 420 of the Indian Penal Code as well as Sections 18C, 18A, 27(b)(ii) and 28 of the Drugs and Cosmetics Act 1940 be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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