

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27703 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- MADHEPURA District- Madhepura

1. KUMAR ABHISHEK S/O SHRI RAVIKANT SHARMA Resident of Guljarbagh, Madhepura, Ward No. 20, P.S.- Madhepura, District- Madhepura
2. MD JASIM S/O MD SAGIR Resident of Madhepura, Ward No. 25, P.S. and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Preety Kunwar, Adv.
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-10-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Rabindra Kumar, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Madhepura P.S. Case No.36/2021 registered for the offences punishable under Sections 8(c),21(c),22(c), 23, 24, 25 and 27(A) and 29 of the Narcotics Drugs and Psychotropic Substances Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. They are in custody since 14.01.2021. The petitioners have got no criminal antecedent.



As per the prosecution story, on 11.01.2021 at about 15.45 O' clock when the informant was on patrolling duty he received an information that a tempo standing near the Purnea Gola Chowk, Madhepura loaded with heavy narcotic drugs with codeine. On this, he proceeded to the given place along with police party and saw that a tempo bearing Reg.No.BR43GA-1957 was standing in front of Sweta Medical Hall and there were cartoons in that tempo and one person was unloading the cartoons. On interrogation, the said person disclosed that Kumar Abhishek (petitioner) is the transporter at Madhepura and he had sent the medicine for delivery. It is alleged that 50 cartoons of codeine phosphate and tripoledine hydro-chloride syrup bottles and 39 cartoons of other medical drugs and materials were seized from the said tempo.

Learned counsel for the petitioner submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel submits that petitioner no.1 is an employee/manager of the transport company whereas petitioner no.2 is a labourer of the transport agency and the goods are received by petitioner no.1 from various transport agencies and are kept in the godown of the company for purpose of delivering the same to the persons, dealers etc. of Madhepura district,



however, the petitioners are not the dealers of medicines.

Learned counsel submits that the petitioners have got no criminal antecedent and have remained in custody in connection with this case since 14.01.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submissions on behalf of the petitioners that the petitioner no.1 is an employee/manager of the transport company whereas petitioner no.2 is a labourer of the transport agency and further submission that the goods are received by petitioner no.1 from various transport agencies and are kept in the godown of the company for purpose of delivering the same to the persons, dealers etc. of Madhepura district, however, the petitioners are not the dealers of medicines, further submission that they have got no criminal antecedent and have remained in custody in connection with this case since 14.01.2021, investigation against them is complete but the trial is not likely to take place in near future, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S., Madhepura in connection



with Madhepura P.S. Case No.36/2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

