

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30393 of 2021**

Arising Out of PS. Case No.-22 Year-2021 Thana- HARSIDHI District- East Champaran

Anil Kumar S/o Madhusudan @ Maksudan @ Madhusudan Sah Resident of
Village- Majhauwa, P.S.- Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Shilpi Keshri

For the Opposite Party/s : Mrs.Veena Rani Prasad

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 21-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in N.D.P.S. Case No. 07 of 2021, arising out of Harsidhi P.S. Case No. 22 of 2021, registered for the offence under Section 395 / 412 of the Indian Penal Code and Sections 20 / 22 of the N.D.P.S. Act.

As per the prosecution case, on a secret information, a raid was conducted and this petitioner alongwith co-accused Prince Kumar were arrested and on search, one chain, one ring, Diazepam injection – 2 ML - 02 pieces, Loraze Pam tablet 2 Mg. - 40 Pieces (one patta), Safeone – 3 ML and two syringe were recovered from the possession of this petitioner.

It is submitted on behalf of petitioner that the alleged recovery is less than small quantity. It is further submitted that



mandatory provision with regard to search and seizure has not been followed. In fact, the father of the petitioner is suffering from various ailments, so the doctor had prescribed him those medicines and petitioner was going home with those medicines alongwith prescription of the doctor (medical prescription is at Annexure – 2). Petitioner has got clean antecedent and he is in custody since 18.01.2021. Chargesheet has already been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the period of custody, recovery of alleged quantity of illicit medicines and the fact that petitioner has got clean antecedent, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Motihari (East Champaran) in connection with N.D.P.S. Case No. 07 of 2021, arising out of Harsidhi P.S. Case No. 22 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his



bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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