

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30375 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- SONBERSA District- Sitamarhi

Vijay Kumar Son Of Ramnandan Mahto R/O - Ward No.-9, Sonbarsa Chadani
Chowk, P.S.- Sonbarsa, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg

For the Opposite Party/s : Mr.Uma Shankar Pd. Singh

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 Sonbarsa P.S. Case No. 46 of 2021, registered for the offence under Sections 476, 436, 418 of the Indian Penal Code, Sections 18(a), 18(c), 27(b)(ii), 28 of the NDPS Act and Section 65(18) of Drugs and Cosmetics Act.

On a secret information, a raid was conducted and this petitioner alongwith other co-accused person was arrested on spot and on search, 28 pieces of cough syrup were recovered from a plastic bag of this petitioner and 5938 bottles of cough syrup were recovered from the house of this petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner and recovery has been made from the godown of the co-accused, which was situated in the house of the petitioner and co-accused holds there his licency medical hall and as such, no



offence, as alleged in the FIR, is made out against this petitioner. Petitioner is in custody since 28.02.2021.

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

Considering the aforesaid facts and circumstances, 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 1st Additional Sessions Judge cum Special Judge (Drugs and Cosmetics Act), Sitamarhi in connection with Sonbarsa P.S. Case No. 46 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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