

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33802 of 2021

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

SANTOSH JHA SON OF LATE RAM NARAYAN JHA Resident of Village -
Bittha, P.S.- Sursand, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2021 Heard Mr. Ashok Kumar Jha, learned counsel for the
petitioner and Mr. Amit Kumar Rakesh, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Parihar P.S. Case No. 46 of 2021 registered for the offence
punishable under Section 420/34 of the Indian Penal Code 1860
and Section 28 of Drugs and Cosmetic Act.

The allegation as per the First Information Report is
that one Auto was intercepted by the Police which was driven
by Wakil Jha and beneath the driver seat, 35 bottle of Codeine
Phosphate Syrup, each bottle containing 100 ml., were
recovered from the same.

Learned counsel for the petitioner submits that the
petitioner was sitting in the Auto as a passenger and was not



aware about the Codeine Phosphate Syrup kept beneath the driver seat. He further submits that co-accused Vakil Jha (Driver) has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. 34875 of 2021 and the petitioner is in custody since 3.3.2021 having no criminal antecedent.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner claims to be a passenger, he is in custody since 3.3.2021 having no criminal antecedent, charge sheet has already been submitted and similarly situated co-accused Vakil Jha has already been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Sitamarhi, in connection with Parihar P.S. Case No. 46 of 2021 subject to the following conditions:-

(i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient



reason, his bail bonds shall be cancelled by the court below.

(ii) that 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.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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