

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40948 of 2021**

Arising Out of PS. Case No.-221 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

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PRADEEP KUMAR S/O DHANESHWAR YADAV @ DHANESHWAR
YADAV R/O VILLAGE-GHATHERIYA, P.S- DOBHI, DISTRICT-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

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

2 21-10-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 274, 275, 276, 419, 420, 467, 468, 120(B) of the Indian Penal Code, u/s 27(2), 27(d), 28 of Drug and Cosmetics Act and u/s 22(b) of NDPS Act.

As per the prosecution case, on a secret information the truck in question was intercepted and upon search bakery Maida and 4492 bottles of Phensedyl cough linctus (syrup) were recovered from the truck of which this petitioner was driver.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. Petitioner being driver of the vehicle was not aware of the consignment being transported through the vehicle and he was simply following the instruction of the owner of the vehicle. Petitioner claims clean antecedent and is in custody since 03.06.2021 and investigation in this



case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, 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 Sessions Judge, Gopalganj in connection with Kuchaikot PS case No.221/2021 on the following conditions:-

(1) 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/ her absence on two consecutive dates without sufficient reason, his/her 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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