

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9092 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

=====

Mithilesh Kumar S/O Chandar Mandal @ Chandradev Mandal Resident of
Village- Raghunathpur Ward No. 15, P.S.- Basnahi, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand

For the Opposite Party/s : Mr. Dinesh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with
Udakishunganj P.S. Case No. 344 of 2021 corresponding to
N.D.P.S. Case No. 35 of 2021 registered for the offence under
Section 21(c) of N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.11.2021.

The allegation against the accused/petitioner is to
involve in the illicit business of Codeine mixed Wiscof Syrup
alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that from perusal of the seizure list, it appears that the entire recovery has been made from the house of the co-accused, namely, Somnath Poddar @ Bittu Poddar and nothing has been recovered from the conscious possession of the petitioner. It has also been submitted that petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State fairly conceded that recovery has not been made from conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious possession of the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with with Udakishunganj P.S. Case No. 344 of 2021 corresponding to N.D.P.S. Case No. 35 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

