

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13079 of 2022

Arising Out of PS. Case No.-307 Year-2021 Thana- SHAHKUND District- Bhagalpur

Jyotish Chaudhary @ Jyotish Kumar Chaudhary, Male, aged about 35 years,
Son of Late Uday Narayan Chaudhary, Resident of Shahkund, Kasba Kherhi,
P.S.- Shahkund, District- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 29-08-2022 Heard Mr. Apurv Harsh, learned counsel appearing on
behalf of the petitioner and Mr. Ajit Kumar, learned A.P.P. for
the State.

Petitioner, who is in custody since 21.11.2021, seeks
regular bail in connection with Shahkund P.S. Case No. 307 of
2021 dated 20.11.2021 registered for offences punishable under
Sections 276, 419, 420 of the Indian Penal Code, Section 27(b)
(ii), 28, 28A, 36AC of Drugs and Cosmetics Act, 1940 and
Section 22(A) of the N.D.P.S. Act.

Prosecution story in brief is that upon secret
information, a raid was conducted at Maa Tara General Store.
Form 16 which forms part of the FIR 11 (eleven) kind of drug
were recovered including 19 bottles of cough syrup each



containing 3.8 gms of codeine and 60 tablets Nitrazepam each containing 0.6 gms from the grocery shop of the petitioner. No legal document was produced with respect to the seized drugs.

Learned counsel appearing on behalf of the petitioner submits that raid was conducted during the period of pandemic. The medicines were found at the grocery shop of the petitioner but the same was not for sale. He further submits that the petitioner has clean antecedent and he is in custody since 21.11.2021.

Having considered the rival submissions of the parties as well as the period of custody undergone, charge-sheet has been submitted and there is no likelihood of the trial to conclude soon. Without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Bhagalpur in connection with Shahkund P.S. Case No. 307 of 2021 dated 20.11.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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