

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13367 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- MURLIGANJ District- Madhepura

AJAY KUMAR MEHTA @ AJAY KUMAR S/o Ramdev Mehta Resident of
Village - Pranpatti, Ward No. 02, P.S.- K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16657 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- MURLIGANJ District- Madhepura

SAURABH BHAGAT @ PRATIK BHAGAT Son of Anil Kumar @ Anil
Bhagat Resident of Village - Murliganj, Ward no.13, P.s.- Murliganj, Distt.-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19734 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- MURLIGANJ District- Madhepura

AKASH KUMAR GOSWAMI SON OF LATE MANOJ GOSWAMI
Resident of Village - Murliganj, P.S.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13367 of 2022)

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

(In CRIMINAL MISCELLANEOUS No. 16657 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Ms .Veena Kumari Jaiswal, APP

(In CRIMINAL MISCELLANEOUS No. 19734 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP



CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-07-2022

IN CR. MISC. NO.13367 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Murliganj P.S. Case No. 408 of 2021 registered for the offence under Section 21(c) of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 21.11.2021.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there was total recovery of 48 litres of cough syrup from pickup van bearing Registration No. BR11G.D.-4263.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is driver from where alleged recovery has been made, who is a man of clean antecedent. It has further been submitted that nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery or suggest that the petitioner was under knowledge of consignment of



illicit cough syrup. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is driver of the alleged vehicle. It has further been conceded that there is no specified quantity of “codeine” (contraband) is being mentioned during course of the investigation, which is main constituent of the cough syrup.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of the investigation, which may suggest that petitioner having knowledge of alleged consignment of cough syrup coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Murliganj P.S. Case No. 408 of 2021 (NDPS Case No.34 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) Accused/Petitioner shall cooperate in the trial and shall be physically present 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 of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Yogendra Singh, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

IN CR. MISC. NO.13367 OF 2022
AND
IN CR. MISC. NO.19734 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Murliganj P.S. Case No. 408 of 2021 registered for the offence under Section 21(c) of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 21.11.2021.

The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there was total recovery of 48 litres of cough syrup from pickup van.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner has surfaced in the present case on the basis of confessional statement of co-accused, namely, Ajay Kumar Mehta @ Ajay Kumar, which is the driver of the alleged vehicle. It has further been submitted that admittedly no recovery has been made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has not been made from the conscious physical possession of the petitioner and also the quantity of contraband i.e. codeine is not specified from the seizure list and the same is only for the reason that “codeine” is one of the main constituent of cough syrup.

Considering the facts and circumstances as mentioned above, as name of the petitioner has surfaced on the basis of confessional statement of co-accused, namely, Ajay Kumar Mehta @ Ajay Kumar, leading no recovery, which may incriminate or connect the petitioner in the present case, who is a man of clean antecedent coupled with the fact that case under NDPS Act has



been lodged only for the reason that “codeine” is one of the constituent of cough syrup alleged to be recovered, let the petitioner, above named, is directed to be released on bail in connection with Murliganj P.S. Case No. 408 of 2021 (NDPS Case No.34 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 Additional District and Session Judge-IV, Madhepura, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present 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 of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Anil Kumar @ Anil Bhagat, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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