

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19904 of 2022

Arising Out of PS. Case No.-427 Year-2021 Thana- KHAJANCHI HAT District- Purnia

JITENDRA KUMAR Son of Dharmendra Prasad Saha Resident of Mohalla -
Prabhat Colony, P.S. - K. Hat, District - Purnia

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suryakant Kumar

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

6 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special

Case No. 31 of 2021 / CIS No. 31 / 2021 (NDPS) arising

out of K. Hat P.S. Case No. 427 of 2021, registered for the

offences punishable under Sections 274, 275 and 276 of the

Indian Penal Code and Section 21 (c) of N.D.P.S. Act, 1985

and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 9900 of bottles batch no. WWF

21008 of Codeine Phosphate, Chlorpheniramine Maleate

Syrup and Wirof Syrup has been recovered. On being

asked, the accused could not produce any document in



support of the his right to possess such cough syrup.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of mis-conception of fact. He further submits that accused-petitioner is a licensed retailer and whole-seller of medicine including the cough syrup which is in question. In support of this contention, Ld. Counsel for the petitioner has drawn the attention of this Court to Annexure-2, which is copy of licence issued to the petitioner by competent authority.

The petitioner has been languishing in jail since 23.02.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved for anticipatory bail vide Cr. Misc No. 44578 of 2021.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer of the petitioner for bail. However, he fairly concedes that in view of the license of retailer or whole-



seller of the medicine, the possession is legal and no offence as alleged is made out against the accused-petitioner.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court of Special Judge, N.D.P.S Act, Purnia in connection with Special Case No. 31 of 2021 / CIS No. 31 / 2021 (NDPS Act) arising out of K. Hat P.S. Case No. 427 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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