

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23892 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- SONBERSA District- Sitamarhi

Krishna Mukhiya S/O Baliram Mukhiya Bin Resident of Village - Malangwa,
Ward No. 07, P.S. - Malangwa, District - Sarlahi, Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Sonbarsa P.S Case No. 329 of 2021 for the offences
punishable under Sections 21(a) of the NDPS Act.

As per the prosecution case, it is alleged that SSB,
Sitamarhi apprehended the petitioner and on search being made
25 pieces of Codivel Syrup and 30 pieces Anti allergic syrup
were recovered but he did not produce any valid paper.

It is submitted by the learned counsel for the
petitioner that the present case is not a case of recovery of



intoxicated or psychotropic substance. It is next submitted that under section 21(a) of the NDPS Act, the maximum punishment which has been provided is up to one year and this petitioner is in custody since 26.11.2021, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the nature of allegation as also the fact that petitioner is in custody since 26.11.2021 having no criminal antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge NDPS Act Sitamarhi in connection with Sonbarsa P.S Case no. 329 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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