

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30020 of 2022

Arising Out of PS. Case No.-110 Year-2022 Thana- SURSAND District- Sitamarhi

1. Sanjay Thakur Son Of Sushil Thakur R/O- Village- Jaleshwar Ward No. 10, P.S.- Jaleshwar , Dist.- Mahotari, Counter-Nepal
2. Gautam Kumar Sah Son Of Late Raju Sah R/O- Village- Jaleshwar Ward No. 2, Rajdevi Tola P.S.- Jaleshwar , Dist.- Mahotari, Counter-Nepal

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Section 21(b) of N.D.P.S. Act.

According to prosecution case, 02 pieces of 100 ml.
NEWREX Syrup, 24 pieces of SPASMO PROXYVON PLUS
tablets and one mobile recovered from the possession of
petitioner no.1 namely, Sanjay Thakur and 02 pieces of
DIALEX-DC syrup of 100 ml, 16 pieces tablets of SPASMO
PROXYVON PLUS, one mobile phone was recovered from the
possession of petitioner no.2 namely, Gautam Kumar Sah.

Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that 02 pieces of 100 ml. NEWREX Syrup, 24 pieces of SPASMO PROXYVON PLUS tablets and one mobile recovered from the possession of petitioner no.1 namely, Sanjay Thakur and 02 pieces of DIALEX-DC syrup of 100 ml, 16 pieces tablets of SPASMO PROXYVON PLUS, one mobile phone was recovered from the possession of petitioner no.2 namely, Gautam Kumar Sah. He further submits that there is no compliance of Section 50 of N.D.P.S. Act. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioners are in custody since 08.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Sursand P.S. Case No. 110 of 2022, subject to the following conditions:-

1. Petitioners shall co-operate in the trial



and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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