

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31421 of 2022**

Arising Out of PS. Case No.-287 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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SOMNATH PODDAR @ BITTU PODDAR S/o Kamleshwari Poddar R/o-
Udaykishanganj, P.S.- Udaykishunganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

1. Union of India through Department of NCB. Bihar.
2. The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Sr.Advocate
	:	Mr.Amresh Kumar Sinha, APP
For the Opposite Party/s	:	Mr.K. N. Singh, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard Mr. N.K.Agrawal, learned senior counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Section 21(c) of NDPS Act.

Recovery is of 19.08 liters of of Wiscof Syrup.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that in fact the petitioner is not named in the FIR. The name of the petitioner has been transpired on the



basis of the confessional statement of the co-accused, namely, Mithilesh Mandal. Further submits that no incriminating article has been recovered from possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 10.01.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with N.D.P.S. Case No. 24 of 2021 arising out of Udaykishunganj P.S. Case No.287 of 2021, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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