

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30052 of 2022

Arising Out of PS. Case No.-79 Year-2019 Thana- JOGBANI District- Araria

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Santosh Yadav @ Santosh @ Santosh Kumar Son Of Sadanand Yadav R/O-
Jogbani, Ward No.-18, P.S.- Jogbani, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Mandal, Advocate.

For the Opposite Party/s : Mr.Prem Kumar Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Mr. Arun Kumar Mandal, learned counsel for the
petitioner and Mr. Prem Kumar Jha, learned APP for the State
are heard.

Petitioner seeks regular bail in connection with
Jogbani P.S. case no. 79 of 2019 registered for the offences
punishable under Sections 21(c), 22 of the NDPS Act and
Sections 27(b)(ii), and 28 read with Section 36 of the Drugs and
Cosmetic Act.

As per allegation 500 bottles of cough syrup each
containing 100 ml and a large quantity of medicinal drugs were
recovered from the alleged vehicle and co-accused named Md.



Nanhe was arrested at the spot and the petitioner is alleged to have managed to escape.

The main submissions advanced by Mr. Arun Kumar Mandal, learned counsel for the petitioner are that against the petitioner there is criminal antecedent of one case in which he is on bail and he was not arrested at the spot and co-accused namely Md. Nanhe who was arrested at the spot from whose possession the alleged medicines and cough syrup bottles were recovered, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. no. 45372 of 2019 and the petitioner has been languishing in jail since 28.04.2022 and the investigation has been completed against him.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and mainly taking into account the facts that co-accused Md. Nanhe who was arrested at the spot with the alleged contrabands and medicines, has been granted bail by a co-ordinate bench of this Court vide order passed in above mentioned Cr. Misc. and petitioner is not alleged to have been arrested at the spot hence petitioner deserves to bail as his case stands on better footing with the said co-accused, in my view a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Jogbani P.S. case No. 79 of 2019 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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