

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42427 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- BANMANKHI District- Purnia

CHANDAN KUMAR CHAUDHARY @ CHANDAN CHAUDHARY Son of
Late Mahadev Chaudhary @ Shambhu Prasad Chaudhary R/o Village -
Bajrangwali mandir Ward No. 3, P.S. - Banmankhi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agarwal, Sr. Adv.
Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-01-2022 Heard the parties through virtual mode.

Learned Senior Counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under sections 275, 276 of the IPC, 30(a) of the Bihar Prohibition and Excise Act and 21 (b) of the N.D.P.S. Act.

Altogether 90 bottles, each containing 100 ml of codine cough syrup is said to have been recovered from the medical shop of the petitioner.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case. He has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. The allegation against the petitioner is that he fled away from the spot and 90 bottles of cough syrup has been recovered from his shop but there is no any independent witness of the alleged recovery. The seizure has not been made in accordance with the law provided under the N.D.P.S. Act. Petitioner has no concern either with the seized syrup or any trade of the same. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Banmankhi P.S. Case No.77 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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