

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43664 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- JOGBANI RAIL P.S. District- Katihar

NANDU MISHRA @ NAVIN MISHRA Son of Bhagwanand Mishra
Resident of Village - Bathnaha, Ward No.07, P.S.- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46378 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- JOGBANI RAIL P.S. District- Katihar

SONU KUMAR MANDAL Son of Sanjay Mandal Resident of Village -
Bathnaha, Ward No.14, P.S.- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43664 of 2021)

For the Petitioner/s : Mr.Anil Prasad Singh, Adv

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

(In CRIMINAL MISCELLANEOUS No. 46378 of 2021)

For the Petitioner/s : Mr.Sunil Kumar, Adv

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 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 learned counsel for the petitioners and the learned A.P.P. for the State in both the applicaitons.

The petitioners seek bail in connection with Jogbani



Rail P.S.Case No. 05 of 2021 registered for the offence under Sections 420,34 of the Indian Penal Code and Section 18(c), 27(b)(ii) of the Drugs and Cosmetic Act, 1940.

From possession of petitioner-Sonu Kumar Mandal, one mobile phone was recovered and from possession of petitioner-Nandu Mishra @ Navin Mishra, total 36 pieces of DIALEX-DC medicines, each of 180 ml, was recovered.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioners. One mobile phone has been recovered from possession of petitioner-Sonu Kumar Mandal and from possession of petitioner-Nandu Mishra @ Navin Mishra, total 36 pieces of DIALEX-DC medicines, each of 180 ml, has been recovered. He further submits that Section 27(b)(ii) of Drugs and Cosmetic Act has not come against the petitioner. In fact, the recovered drugs is not misbranded. He further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 14.05.2021.

Learned A.P.P. for the State has opposed the prayer for



bail of the petitioners.

Considering the facts and circumstances of the case, 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 learned 1st Additional Sessions Judge-cum-Special Judge, Katihar in connection with Jogbani Rail P.S.Case No. 05 of 2021 with 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 bonds 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.

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 antecedents, 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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