

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51283 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Pakish Yadav @ Pekish Yadav S/O Parmanand Yadav R/O Village-Barhara,
P.S-Alamnagar, District-Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55257 of 2021

Arising Out of PS. Case No.-212 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Sumit Kumar Son Of Shankar Kumar Jha Resident Of Village- Singarpur
Police Station- Uda Kishunganj, P.O.- Singarpur, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union Of India through Narcotic Drugs and Psychotropic Substances
Bureau

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 51283 of 2021)

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Adv

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

(In CRIMINAL MISCELLANEOUS No. 55257 of 2021)

For the Petitioner/s : Mr.Jibendra Mishra, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-02-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State in both the applications in virtual

Court proceeding.

It appears that due to inadvertently the order dated



17.01.2022 passed in Cr.Misc. No.51283 of 2021 has been recorded as *“let the case diary be sent to the office of learned Advocate General from where Mr. Tapes Sharma, learned Additional Public prosecutor for the State shall receive the case diary and assist the Court on the next date of hearing.*

As prayed for, list this case on 24.02.2022” but in fact in the present case, the case diary has been received on 29.01.2022.

In view of the aforesaid, the order dated 17.01.2022 stands recalled.

Supplementary affidavit has been filed on behalf of the petitioner in Cr.Misc. No.51283 of 2021.

The petitioners seek bail in connection with Udakishunganj P.S.Case No. 212 of 2021 corresponding to N.D.P.S.Case No.18 of 2021 registered for the offence under Sections 21(c) of N.D.P.S. Act.

The prosecution case, in short, is that in presence of two F.I.R. named P.Ws started searching of tempo and after search, total 580 bottle each 100 ml (58 liters) syrup WISCOF WINDLAS company containing in six cartoons 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 the name of the petitioners has transpired on the basis of the confessional statement of co-accused, namely, Sumit Kumar. Learned counsel for the petitioners submits that there is no F.S.L./ chemical report that alleged seized syrup has been found narcotic substances without the petitioners have been implicated in false and concocted story. In fact nothing has been recovered from the conscious possession of the petitioners and the petitioners are in custody since 25.07.2021.

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 Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura in connection with Udakishunganj P.S.Case No. 212 of 2021 corresponding to N.D.P.S.Case No.18 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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