

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47178 of 2022

Arising Out of PS. Case No.-240 Year-2021 Thana- SINGHESHWAR District- Madhepura

Sonu Gupta @ Surendra Kumar Son Of Dinesh Prasad Gupta @ Dinesh
Gupta Resident Of Sonu Gupta Medical Durga Chowk, Singheshwar, Ward
No.-3, P.S.- Singheshwar, District- Madhepura, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agrwal (Sr. Adv)
		Mr. Kumar Rajdeep (Adv)
		Mr. Arvind Kumar (Adv)
For the Opposite Party/s :		Mr. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 29-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Singheshwar P.S. Case No. 240 of 2021, registered for the

offences punishable under Sections 30(a) of Bihar Prohibition

and Excise Act 2018 and Section 8(c) 21(c) 22(c), 23, 24,

25, 27 (A) and 29 of the N.D.P.S. Act.

As per allegation, 200 bottles of Codeine Mixed

Cough Syrup (WINDLAS Company), each bottle containing

100 ml., kept in ten plastic bags, were recovered from the

auto bearing Registration No. BR43P-189.



The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner is licensed dealer of medicine. He also submits that the alleged recovery has not been made from the conscious possession of the accused-petitioner. He further submits that the name of the petitioner transpired only on the basis of confessional statement of the co-accused.

The petitioner has been languishing in jail since 01.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved before this Court for grant of anticipatory bail in Cr. Misc No. 8985 of 2022.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one more case, Singheswar P.S. Case No. 128 of 2018, in which he is on bail.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura in connection with Singheshwar P.S. Case No. 240 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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