

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44235 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- MURLIGANJ District- Madhepura

1. Pintu Poddar Son of Late Nathan Poddar Resident of Village - Gosala Chowk Ward no.02, P.s.- Murliganj, Distt.- Madhepura.
2. Guddu Poddar Son of Late Nathan Poddar Resident of Village - Gosala Chowk Ward no.02, P.s.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46916 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- MURLIGANJ District- Madhepura

1. Abhishek Kumar son of Bindeshwari Sah R/o- Jayrampur, Ward No. -05 P.S.- Murliganj, District - Madhepura.
2. Mannu Kumar Son of Bindeshwari Sah R/o- Jayrampur, Ward No. -05 P.S.- Murliganj, District - Madhepura.
3. Pandavdav Kumar Son of Bindeshwari Sah R/o- Jayrampur, Ward No. -05 P.S.- Murliganj, District - Madhepura.
4. Om Prakash Kumar Son of Bindeshwari Sah R/o- Jayrampur, Ward No. -05 P.S.- Murliganj, District - Madhepura.
5. Suraj Kumar Son of Bindeshwari Sah R/o- Jayrampur, Ward No. -05 P.S.- Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48707 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- MURLIGANJ District- Madhepura

Musho Singh @ Prawesh Singh Son of Raj Ballav Singh @ Ramballav Singh
R/o Digghi, Ward No. 5 P.S- Murliganj, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51436 of 2022

Arising Out of PS. Case No.-139 Year-2022 Thana- MURLIGANJ District- Madhepura

Sunil Kumar @ Sunil Kumar Sah S/o Late Kalo Sah R/o village- Rahika Tola,
Ward No. 08, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44235 of 2022)

For the Petitioner/s : Mr. Ranjay Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

(In CRIMINAL MISCELLANEOUS No. 46916 of 2022)

For the Petitioner/s : Mr. Rupesh Kumar

For the Opposite Party/s : Ms.Asha Kumari

(In CRIMINAL MISCELLANEOUS No. 48707 of 2022)

For the Petitioner/s : Mr. Sanjeev Verma

For the Opposite Party/s : Mr. A.G

(In CRIMINAL MISCELLANEOUS No. 51436 of 2022)

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-11-2022 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
N.D.P.S Case No. 12 of 2022 arising out of Murliganj Police
Station Case No. 139 of 2022, registered for the offences
punishable under Sections 18, 20 and 22 N.D.P.S Act and
Section 30(a) (c) of the Bihar Prohibition and Excise Act.



As per allegation, 27 wrappers of whisky has been recovered from the possession of the petitioner, Pintu Kumar whereas 200 gms of *ganja* has been recovered from the petitioner, Guddu Poddar. It is further alleged that wrappers and *ganja* has been recovered from the possession of other petitioner also.

The Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that nothing has been recovered from the conscious possession of petitioners, namely Musho Singh and Sunil Kumar. Whereas, a meager quantity of contraband and wrappers have been recovered from the possession of the petitioners, namely, Guddu Poddar, Pintu Poddar, Abhishek Kumar, Suraj Kumar, Pandavdav Kumar, Mantu Kumar, Om Prakash Kumar and Vijay Mandal.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that



the petitioner, namely, Pintu Poddar has earlier been made accused in two other cases.

Petitioner, namely, Guddu Poddar has been made accused in three more cases.

Petitioner namely, Abhishek Kumar has been made accused in four more cases.

Petitioners, namely, Mannu Kumar, Pandavdav Kumar and Om Prakash Kumar have earlier been made accuse in one more case.

Petitioner, namely, Suraj Kumar, Musho Singh and Sunil Kumar have no criminal antecedent.

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

Considering the aforesaid facts and circumstances, particularly the nature of allegation and quantity of recovered contraband, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Add. Session Judge-2nd, Madhepura/concerned Courts in



connection with N.D.P.S Case No. 12 of 2022 arising out of Murliganj Police Station Case No. 139 of 2022 on the following conditions:

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

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

(iii) The petitioners 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 them 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 petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their



criminal antecedent despite their 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 petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners 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)

ramesh/-

U		T	
---	--	---	--

