

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50491 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- MURLIGANJ District- Madhepura

Ratnesh Kumar Son of Late Umesh Das Resident of Village - Sahugardh, P.S.
and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 50597 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- MURLIGANJ District- Madhepura

Pankaj Yadav S/o- Arun Yadav Resident of village- Balokala, P.s.- Murliganj,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50491 of 2022)

For the Petitioner/s : Mr. Dr. Alok Kumar Alok, Adv.

: Mr. Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP.

(In CRIMINAL MISCELLANEOUS No. 50597 of 2022)

For the Petitioner/s : Mr. Rahul Kumar Singh, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
NDPS Case No. 11 of 2022 arising out of Murliganj P.S. Case

No. 158 of 2022, lodged under Sections 21(C) of NDPS Act read with Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the total recovery of 98 bottles containing 100 ml. in each cough syrup, total 98 liter is alleged to be the subject matter of present case.

Learned counsel for the petitioner of Cr. Misc. No. 50491 of 2022 submits that the recovered material is not wine rather it is a cough syrup containing codeine phosphate which is N.D.P.S. material. He further submits that in 98 liter of cough syrup only 9.8 gram of codeine phosphate is available. He also submits that petitioner has been apprehended from the place of occurrence, there are 3 criminal antecedents of petitioner in which he is on bail in all 3 cases and he is in custody since 04.04.2022.

Learned counsel for the petitioner of Cr. Misc. No. 50597 of 2022 submits that the name of petitioner has figured in this case by virtue of confessional statement of apprehended accused person. He further submits that nothing was recovered from the possession of petitioner, he has 2 criminal antecedents, in which he is on bail in both the cases and he is in custody since 19.04.2022.

Learned counsel for the petitioners submits that similarly situated co-accused person has already been granted bail by this Court vide order dated 18.11.2022 passed in Cr. Misc. No. 49785 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IInd, Madhepura in connection with NDPS Case No. 11 of 2022 arising out of Murliganj P.S. Case No. 158 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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