

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54862 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Dharmendra Kumar @ Tukkal, S/o Late Raj Kumar Yadav, R/o Village-
Koylaghat, Police Station- Jogsar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Md. Najmul Hodda, learned counsel
appearing on behalf of the petitioner and learned APP for the
State through video conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Kotwali (Jogsar) P.S. Case No. 81 of 2022
(NDPS Case No. 13 of 2022) registered for the offences
punishable under Sections 20(b)(ii)(b)/21(b) of the NDPS Act.

As per the prosecution case, it is alleged that the
police on a secret information that some persons are involved in
dealing sale and purchase of brown sugar, reached at the spot,
however, on noticing the police party, other persons succeeded
in fleeing away from the place of occurrence and one, Prem



Kumar @ Prem Kumar Yadav apprehended at spot. It is further alleged that on search 05 gm brown sugar and other incriminating materials were recovered from the conscious possession of said, Prem Kumar.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession. He further submits that the name of the petitioner has been disclosed by the co-accused, Prem Kumar @ Prem Kumar Yadav, who was apprehended by the police and, moreover, the said, Prem Kumar @ Prem Kumar Yadav, has already been enlarged on bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 22609 of 2022, the copy of which has been brought on record by way of Annexure-2 to this application. He next submits that the petitioner, having fair antecedent, is in custody since 18.05.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered, apart from the fact that the petitioner, having



fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge (SC/ST Act), Bhagalpur, in connection with Kotwali (Jogsar) P.S. Case No. 81 of 2022 (NDPS Case No. 13 of 2022), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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