

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56916 of 2022

Arising Out of PS. Case No.-698 Year-2021 Thana- SUPAUL District- Supaul

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Kishan Kumar @ Kumar Kishan S/o Santosh Thakur Resident of Ward No.-
12, P.S.- Supaul, Distt- Supaul- 852131 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 29-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Supaul,
P.S. Case No. - 698 of 2021, registered for the offences
punishable under Sections 20(b)(ii)(c), 22(c)/27(a) of the
N.D.P.S and Section 30(a) of the Bihar prohibition and
Excise (Amendment) Act, 2018.

As per allegation, 1538 bottles of prohibited
codeine phosphate and triprolidin hydrochcodeine syrup each
containing 100 ml, packed in 16 cartoons has been
recovered from the house of the petitioner.

The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. He further submits that the house from where the alleged contraband has been recovered does not belong exclusively to the accused-petitioner, as it is a joint property of the family members.

The petitioner has been languishing in jail since 04.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

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. District and Sessions Judge-cum-Special Judge, N.D.P.S, Supaul in connection with Supaul,



P.S. Case No. - 698 of 2021, **after framing of charge, if already not framed** 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 any criminal antecedent, 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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