

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66887 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- GWALPARA District- Madhepura

Sanni Kumar Son of Anil Khirhari Resident of Village- Laxmipur, P.S.-
Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 21(C) of N.D.P.S. Act.

As per prosecution case, in brief, is that on 02.09.2021 at 23:00 Hours, the informant, S.I. Pramod Prasad along with his police party were on patrolling duty. When they reached Arar Bishanpur Beldaur Nahar, two persons riding on a motorcycle came and attempted to flee away but they were caught by the police party. On interrogation, the apprehended persons disclosed their names as Sanni Kumar and Bechan



Kumar and 160 bottles of codeine mixed syrup each 100 ml containing in a blue colour bag carrying by Bechan Kumar sitting on backside of motorcycle recovered. Subsequently, the same were seized and a seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that 160 bottles of Codeine mixed syrup has been recovered from the possession of co-accused namely Bechan Kumar. He further submits that the recovered syrup was not tested from any Forensic Lab whether it is under the purview of N.D.P.S. Act or not and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Gwalpara (Arar O.P.) P.S. Case No. 140 of 2021, N.D.P.S. Case



No. 22 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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