

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4804 of 2023

Arising Out of PS. Case No.-228 Year-2020 Thana- SINGHESHWAR District- Madhepura

Suman Das @ Suman Kumar Son Of Tuntun Das @ Tuntun Tanti @ Upendra
Tanti R/O Village- Gauripur, Ward No.6, P.S.- Singheshwar, District-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. 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.

3. Petitioner seeks bail who is in custody since
17.05.2022 in connection with NDPS Case No. 15 of 2020
arising out of Singheshwar P.S. Case No. 228 of 2020, F.I.R.
dated 27.09.2020 for the offences punishable under Sections
8(c), 21(c), 22(c), 23, 24, 25, 27(A) and 29 of the NDPS Act and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

4. According to prosecution case, cough syrup
containing codeine was recovered from a truck and co-accused,



Suryamani Pandey was apprehended by the police and he disclosed the name of the petitioner and other accused persons.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case merely on the basis of the disclosure made by the co-accused, namely, Suryamani Pandey. He further submits that from perusal of the F.I.R. as well as seizure list it appears that no incriminating article / contraband has been recovered from the possession of the petitioner. He further submits that except the disclosure made by the co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.05.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional District & Sessions Judge V cum Special Judge, Excise Act, I, Madhepura in connection with NDPS Case No. 15 of 2020 arising out of Singheshwar P.S. Case No. 228 of 2020, subject to 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 witnesses, 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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