

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2685 of 2023

Arising Out of PS. Case No.-1199 Year-2022 Thana- KHAJANCHI HAT District- Purnia

1. ABHISHEK KUMAR SON OF JEEVAN KUMAR SINGH R/O VILL.- MURGI FARM, LANKA TOLA, P.S.- K. HAT, DISTT.- PURNIA
2. RITIK RAJ SON OF MANOJ KUMAR R/O VILL.- SIPAHI TOLA, P.S.- K. HAT, DISTT.- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Dr. Bidhu Ranjan, Adv. Mr. Kumar Rajdeep, Adv. Ms. Diksha Kumari, Adv.
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-07-2023 Heard Mr. N.K.Agrawal, learned Senior counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 11.11.2022, in connection with K. Hat P.S. Case No.1199/2022, dated 10.11.2022, registered for the offences punishable under Sections 8 (c)/21(B) of the N.D.P.S. Act.

According to prosecution case, seven grams of Brown sugar (smack) has been recovered from the possession of the co-accused, namely, Kunal Kumar and 11.50 litres of foreign liquor has been recovered from the house of co-accused namely



Suman Saurabh @ Sajjan. The petitioners are also alleged to have been involved in the illegal business of Brown sugar along with the co-accused persons.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the co-accused persons, namely, Kunal Kumar and Suman Saurabh and for the alleged recovery of the illicit liquor, a separate case has been instituted being K. Hat P.S. Case No.1200/2022. He further submits that co-accused, namely, Kunal Kumar confessed that the contraband was purchased from the co-accused, namely, Rohit Uraon and the recovered contraband is less than the commercial quantity, so, there is no embargo of Section 37 of the N.D.P.S. Act to enlarge the petitioners on bail. He further submitted that the co-accused namely Kunal Kumar has been granted bail vide order dated 22.05.2023 passed in Cr Misc. No. 23400 of 2023 and the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 11.11.2022.

Learned Additional Public Prosecutor on the other



hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioners have carried two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S. Act, Purnia in connection with K. Hat P.S. Case No.1199/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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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