

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13792 of 2023

Arising Out of PS. Case No.-580 Year-2022 Thana- MADHEPURA District- Madhepura

LALU KUMAR @ LALU YADAV S/O LATE YOGENDRA YADAV R/v-
Bhirkhi, Navtoliya, Ward No. 21, P.S. and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashwani Kumar Tiwary

For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 279, 337, 338 of the Indian Penal Code, 21(C) of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 288 bottles, i.e. 28 liters of Codeine mixed cough syrup from a motorcycle bearing Registration no. BR43M-7134 which is alleged to be owned by the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this



present case. From perusal of FIR, it appears that the after seeing the police force, driver of the seized motorcycle fled away by leaving the motorcycle but the petitioner was not driving the said vehicle and due to owner of the motorcycle, the petitioner has falsely been made accused in this present case. It is further submitted vide para 13 of the petition that the petitioner is a bike mechanic and his customer has taken his motorcycle from his garage as the motorcycle of the customer is under servicing. The Petitioner has no concern with the alleged recovery of seized material and nothing incriminating article has been recovered from conscious his conscious possession. Moreover, the petitioner is languishing in judicial custody since 29.1.2023.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Madhepura P.S. Case No. 580 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and



Sessions Judge-cum-Special Judge, N.D.P.S. Act, Madhepura.

(Sunil Kumar Panwar, J)

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