

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18109 of 2023

Arising Out of PS. Case No.-977 Year-2022 Thana- MADHEPURA District- Madhepura

Badal Kumar Son Of Sushil Yadav @ Sushil Resident Of Village - Pithahi,
Ward No. - 10, P.S. - Madhepura, Distt. - 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 : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Madhepura P.S. Case No. 977 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018, under Section 21(b) of the N.D.P.S. Act and under
Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.11.2022.

The allegation against the petitioner is to be engaged
in illegal trading of illicit liquor, where, there is recovery of 4.6
litres of cough syrup, where one of the constituent in cough



syrup is “**codeine**” which is a narcotic substance alongwith two country made firearms with two live cartridges.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and his name surfaced on the basis of disclosure made by co-accused Prince Kumar and Sikander Yadav. It is submitted that nothing incriminating recovered from the possession of this petitioner to connect him with present occurrence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating appears to be recovered from the possession of this petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 23.11.2022, accordingly, the above named petitioner is directed to be released on bail in connection with Madhepura P.S. Case No. 977 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-V-cum-Special
Judge, Excise Act-1, Madhepura/concerned court, subject to the
conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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