

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20317 of 2023

Arising Out of PS. Case No.-512 Year-2022 Thana- BIRAUL District- Darbhanga

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1. SANOJ KUMAR @ MANOJ KUMAR S/O LATE BADRI SHARMA R/O
WARD NO. 26, P.S- SAHARSA, DISTT- SAHARSA
 2. CHOTU KUMAR @ SURAJ SHARMA S/O LATE VINOD SHARMA R/O
WARD NO. 22, P.S- SAHARSA, DISTT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seeks bail in connection with Biraul
P.S. Case No. 512 of 2022 dated 31.12.2022 registered for the
offence punishable under Section 22(b) of N.D.P.S. Act.

3. Allegation is that during the search, police recovered
Codeine Phosphate & Triprolidine Hydrochloride Syrup IP 1.25
gm total quantity 1430X100 ML from vehicle which was parked
bearing Registration No. BR11PC-6461 and petitioners were
caught on spot.

4. Learned Counsel for the petitioners submits that the
petitioners are innocent and have been falsely implicated in this
case. It is submitted that the alleged recovery is of less than the
commercial quantity. It is submitted that petitioners were just



standing there as passer by at the place of occurrence. It is also submitted that the search and seizure has not been complied in accordance with the law. The petitioners are in custody since 01.01.2023, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Darbhanga in connection with Biraul P.S. Case No. 512 of 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will



inform the court concerned if the petitioners are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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