

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20152 of 2023

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

Sikendar Yadav @ Sikander Yadav S/O Late Ramkrishna Yadav Resident of
Village- Pithahi, Ward No.- 12, P.S. and District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with NDPS
Case No. 50 of 2022, arising out of Madhepura P.S. Case
No. 977 of 2022, registered for the offences punishable
under Sections 21(b) of the the Narcotic Drugs and
Psychotropic Substances Act, 1985, Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018 and
Sections 25(1-B)a, 26 and 35 of the Arm Act, 1959.

As per allegation, one loaded country made Katta



and one loaded masket were recovered from beneath the bed of the petitioner, and 4.6 liters of Codeine Phosphate and Triprolidine Hydroch Lorida Syrup has been recovered from the another room of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged arms and syrup has not been recovered from the conscious possession of the petitioner. Allegedly, recovery has been made from the house, which does not exclusively belong to the petitioner, because the house in question is joint family property. The seizure is also not made with compliance of all the rules as provided in the Cr. P.C. with regard to the seizure. It is also submitted that the seizure list does not carry signature of any independent witnesses.

He further submits that the petitioner has been languishing in jail since 14.10.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V-cum-Special judge, Excise Act-I, Madhepura, in connection with N.D.P.S. Case No. 50 of 2022, arising out of Madhrpura P.S. Case No. 977 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly



make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

Amrendra/-

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