

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34395 of 2023

Arising Out of PS. Case No.-32 Year-2023 Thana- JOGBANI District- Araria

JAI PRAKASH BHAGAT S/O KEDAR PRASAD BHAGAT @ KEDAR
BHAGAT R/O Village- Patel Nagar, Ward N. 14, P.S- Jogbani, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jogbani P.S. Case No. 32 of 2023 dated 03.02.2023, instituted for the offence punishable under Sections 21, 22 of the N.D.P.S. Act.

3. As per the prosecution case, 5 litres of Dialex DC cough syrup has been recovered from the dickey of the seized motorcycle on which the petitioner was riding.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that nothing has been recovered from the conscious possession of the petitioner and the seized motorcycle belongs to the petitioner and he is owner of the seized



motorcycle. He further submitted that the charge-sheet submitted by the police has been without any cogent material and the seized cough syrup is of small quantity. Lastly, it has been submitted that the petitioner is in custody since 04.02.2023 has one criminal case against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner 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 cum the Special Judge N.D.P.S. Act, Araria in Jogbani P.S. Case No. 32 of 2023, subject to the following conditions:-

1. Petitioner 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 petitioner is 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 petitioner 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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