

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45236 of 2023

Arising Out of PS. Case No.-246 Year-2023 Thana- MADHEPURA District- Madhepura

=====

MUKESH KUMAR S/o- TRIBHUWAN YADAV Village- Budh Nagar Ward
no-3, P.S.- Ghailadh OP, Dist- 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.Bishweshwar Ram, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
07.03.2023 in connection with Madhepura (Ghailardh
O.P.)P.S. Case No. 246 of 2023, F.I.R. dated 06.03.2023
registered for the offence punishable under Section 21(C) of
the NDPS Act and Section 30(a) of Bihar Prohibition and
Excise Amendment Act, 2018.

3. Recovery is of altogether 10 liters of Codeine
Cough Syrup of 100 piece of 100 Ml from the courtyard of
the petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has



falsely been implicated in the present case. Further submits that from bare perusal of the FIR as well as the seizure list that altogether 10 liters of Codeine Cough Syrup of 100 piece of 100 ML has been recovered from the courtyard of the petitioner. Learned counsel for the petitioner submits that the petitioner is not the exclusive owner of the house in question and the house is a joint family property and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.03.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.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-1st, Madhepura in connection with Madhepura (Ghailardh O.P.) P.S. Case No. 246 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

