

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47422 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- TEGHRHA District- Begusarai

Hari Om Kumar Son Of Surendra Choudhary R/0 Vill Atarua P.S
Bhagwanpur, Dist Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 30-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 18.05.2023, in connection with NDPS Case No. 25 of 2023 arising out of Teghra P.S. Case No. 159 of 2023, F.I.R. dated 17.05.2023 registered for the offences punishable under Sections 21/22 of the N.D.P.S. Act.

3. There is recovery of 39 sachets of Codiene Syrup weighing 3.9 litres from a motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list that altogether 3.9 litres of Codiene Syrup total 39 bottles were recovered from the motorcycle in question and the petitioner and other co-accused persons namely



Surendra Choudhary and Sonu Kumar were apprehended and recovery has been made in accordance with the procedure prescribed under the N.D.P.S. Act. Learned counsel for the petitioner submits that without FSL report the petitioner has been implicated in false NDPS case and the co-accused persons who were apprehended along with the petitioner namely Surendra Choudhary and Sonu Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 41384 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is in bail in the said case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, Begusarai in connection



with NDPS Case No. 25 of 2023 arising out of Teghra P.S. Case No. 159 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 shall remain physically present as directed 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) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

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