

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50538 of 2023

Arising Out of PS. Case No.-497 Year-2023 Thana- MADHEPURA District- Madhepura

1. NINI PRAMAR SON OF PRABHU DAYAL PRAMAR RESIDENT OF VILLAGE- ETAWAH BASARAHHEL, SHAH JAHANPUR MUHALLA, PS- BASNAHI DIST- MADHEPURA
2. KALLU PRAMAR SON OF PRABHU DAYAL PRAMAR RESIDENT OF VILLAGE- ETAWAH BASARAHHEL, SHAH JAHANPUR MUHALLA, PS- BASNAHI DIST- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 19.05.2023 seek bail in connection with Madhepura P.S. Case No.497/2023 registered for the offences punishable under Sections 21(b) of NDPS Act, 1985 and Sections 393, 414, 34 of the I.P.C.

3. According to prosecution case, 4 seal bottle of cough syrup and Rs.38000/- has been recovered from the pant pocket of the petitioner no.1 and 5 bottle Kodin corex syrup and Rs. 32000/- has been recovered from the pant pocket of the petitioner no.2. On the disclosure of the petitioners, total 19 bottle of 100 Ml. Cough syrup was recovered from a bush near



Koshi Hospital.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that it appears from the seizure list itself that cough syrup has not been recovered from the conscious possession of the petitioners and there is non-compliance of section 100 of the Cr.P.C. and the recovered amount is the personal amount of the petitioners. The petitioners are in custody since 19.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-1st-cum-Special Judge, Madhepura in connection with Madhepura P.S. Case No.497/2023, 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 shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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