

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53430 of 2023

Arising Out of PS. Case No.-208 Year-2023 Thana- SONBERSA District- Sitamarhi

LALAN KUMAR S/o Bisheshar Mahto Resident of Village-Sonbarsa Ward
No.-2, P.S.-Sonbarsa, District-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-08-2023 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
01.07.2023 in connection with Sonbarsa P.S. Case No.208 of
2023, F.I.R. dated 01.07.2023 registered for the offence
punishable under Sections 21(b) of N.D.P.S. Act.

3. Recovery is of WISCODIN cough syrup-10 bottles
each of 100 Ml, LEN TEXC cough syrup-5 bottles each of 100
Ml and Codiwell cough syrup-28 bottles each of 100 Ml from
the Gumti 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 a bare perusal of the FIR as well as the seizure list that the



petitioner has been arrested and his Gumti was searched and WISCODIN cough syrup-10 bottles each of 100 ML, LEN TEXC cough syrup-5 bottles each of 100 ML and Codiwell cough syrup-28 bottles each of 100 ML have been recovered from the Gumti of the petitioner. Learned counsel for the petitioner submits that there is non-compliance of Section 100 of Cr.P.C. and altogether 4.3 liters cough syrup has been recovered from the Gumti of the petitioner and without the F.S.L. report the petitioner has been implicated in the false and fabricated case and the petitioner is in custody since 01.07.2023.

5. Learned APP 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 Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No.208 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)

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