

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59571 of 2023

Arising Out of PS. Case No.-36 Year-2021 Thana- MADHEPURA District- Madhepura

Shailendra Kumar @ Amit Kumar, Son Of Yogendra Prasad Sinha, Resident Of Village- Near-Vaishali Glass Factory, Umardaraj Lane, Ranipur Khirki, Patna City, Police Station -Khajakalan, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate, Mr. Prakash Chandra Agrawal and Ms. Diksha Kumari, Advocates
For the Opposite Party	:	Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 14-12-2023 Learned counsel for the petitioner is permitted to remove the defect(s) as pointed by the office, if any, within a period of three weeks from today.

2. Heard learned senior counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Madhepura P.S. Case No. 36 of 2021 dated 12.01.2021, corresponding to N.D.P.S. Case No. 01 of 2021 registered for the offences punishable under Sections 8(c), 21(c), 22(c), 23, 24, 25, 27(A), 29 of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



4. As per prosecution case, 50 cartoons of codeine syrup and 39 cartoons of other medical drugs are alleged to have been recovered from the Tempo.

5. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that the petitioner is an employee of Vikas Roadways at Patna and he has no concern with Vikash Roadways at Madhepura and with the alleged recovery. Nothing contraband article has been recovered from possession of the petitioner. The name of the petitioner has sprung up in the present case on the basis of the confessional statement of the co-accused Kumar Abhishek. The other co-accused person has been granted anticipatory bail vide order dated 13.07.2021, passed in Cr. Misc. No. 27164 of 2021. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Madhepura in connection with Madhepura P.S. Case No. 36 of 2021, corresponding to N.D.P.S. Case No. 01 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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