

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57601 of 2022

Arising Out of PS. Case No.-602 Year-2022 Thana- MADHEPURA District- Madhepura

PAPLESH KUMAR Son of Sadanand Yadav R/V- Pararia, P.S and Dist-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60289 of 2022

Arising Out of PS. Case No.-602 Year-2022 Thana- MADHEPURA District- Madhepura

PRITI KUMARI W/O NITISH KUMAR Resident of village- Dinapatti
Pararia, Ward No- 2, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57601 of 2022)

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

(In CRIMINAL MISCELLANEOUS No. 60289 of 2022)

For the Petitioner/s : Mr. Durgesh Kumar

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

For the State : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with NDPS

Case No. 30 of 2022 arising out Madhepura (Bharrahi O.P.)

P.S. Case No. 602 of 2022, registered for the offences



punishable under Sections 25(1-B)/A/26/35 of the Arms Act, Sections 21(b)/22(b) of the NDPS Act and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 1.400 litres of Codeine Phosphate and Tri Prolidine Hydrochloride Syrup Wiscof was recovered from the accused persons.

Ld. counsel for the petitioner, namely, Paplesh Kumar submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged contraband is much less than the commercial quantity. He also submits that search and seizure has not been made as per the rules as provided under the N.D.P.S. Act. He further submits that the petitioner will co-operate in the trial and the trial will not get hampered in case he is enlarged on bail. He also submits that investigation in this case is complete and charge-sheet has already been submitted.

Ld. counsel for the petitioner, namely, Priti Kumari submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that only one country made has been recovered from the petitioner. He



further submits that the petitioner will co-operate in the trial and the trial will not hamper in case she is released on bail.

They further submit that the petitioners have been languishing in jail since 30.06.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge cum Special Judge, Excise Act-1, Madhepura in connection with NDPS Case No. 30 of 2022 arising out Madhepura (Bharrahi O.P.) P.S. Case No. 602 of 2022 on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

ashishkr/-

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

