

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58723 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- PURNEA SADAR District- Purnia

Rabindra Prasad Sah Son of Late Bilal Sah Resident of Mohalla
Khushkibagh, Station Road, Purnea East, Police Station- Sadar, District-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 18-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 40 of 2021/CIS No. 40 of 2021 arising

out of Sadar P.S. Case No. 297 of 2021, registered for the

offences punishable under Sections 274, 275, 276 of the

Indian Penal Code, Sections 27(b)II/ 28/27(D) of the Drugs

and Cosmetics Act, Section 21(c) of the N.D.P.S. Act and

Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as emerges from the FIR is

that on 16.06.2021 at around 02.05 pm the informant along

with his police personnel reached Asha Complex, Gulabbagh.



On seeing the police, some persons fled away from the back door of the shopping complex leaving their vehicle parked there itself. On search, 1460 bottles of cough syrup of 100 ml each containing codeine, have been recovered from a shop-cum-godown no.6 of Asha Complex, Gulabbagh.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner nor was he arrested on the place of recovery of the alleged contraband. He also submits that the petitioner has been implicated in this case only because he is owner of the shop-complex wherefrom, the alleged contraband has been recovered. He also submits that the petitioner is of course owner of the shop-complex but he has leased out all those shops to the shopkeepers by written lease agreement. As such, the shops of the said complex is not in his possession. In fact, they are in the possession of the respective shopkeepers. As such, he is not in any way connected with the alleged offence. In support of his submission, he has filed copy of the rent



agreements by way of supplementary affidavit. He further submits that charge-sheet in this case has already been submitted.

He further submits that the petitioner has been languishing in jail since 18.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has moved this Court earlier either for anticipatory bail vide Cr. Misc No. 54008 of 2021.

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

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, N.D.P.S. Act, Purnea in connection with Sessions Trial No. 40 of 2021/CIS No. 40 of 2021 arising out of Sadar P.S. Case No. 297 of 2021 on the following



conditions:

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

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

(iii) The petitioner 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 him 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 petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his 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, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner 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)

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