

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68591 of 2023

Arising Out of PS. Case No.-183 Year-2023 Thana- SONBERSA District- Sitamarhi

Krishna Nandan Sah Son Of Janardan Sah Resident Of Village - Mangalwa,
Ward No. 02, Po- Mangalwa Ward No. 2, Ps- Mangalwa, Distt- Sarlahi ,
Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sonbarsa P.S. Case No. 183 of 2023, lodged on 02.06.2023,
under Section 21(b) of the N.D.P.S. Act. After investigation
charge sheet has been submitted under Section 21(b) of the
N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per the prosecution case, total recovery of 39
bottles each containing 100 ml Codiwell Syrup has been the
subject matter of recovery in the present case.

4. Learned counsel for the petitioner submits that the
quantity of N.D.P.S. material per 100 ml upon calculation shall



be less than the small quantity. According to him, the quantity in 3900 ml shall be about 7.8 gm. He submits that petitioner is in custody since 03.06.2023. There is one criminal case pending against him in which he is on bail. He submits that the said case is not relating to N.D.P.S. Act. Counsel further submits that the prosecuting authority was not assure that whether the recovered material belongs to N.D.P.S. Act or belongs to Excise Act and, therefore, the charge sheet has been filed in both the offences.

5. Learned counsel for the State opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and he is an accused in a matter relating to fake currency also.

6. In the present facts and circumstances of the case that the recovered quantity is less than the commercial quantity of N.D.P.S., let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty 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.183/2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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