

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70842 of 2023

Arising Out of PS. Case No.-40 Year-2023 Thana- SULTANGANJ District- Bhagalpur

AKHILESH KUMAR SON OF SRI SANTOSH SAH RESIDENT OF
VILLAGE - ABJUGANJ, P.S. - SULTANGANJ, DISTRICT - BHAGALPUR
... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-11-2023 Heard Mr. Vivekanand Vivek, learned Counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned APP for
the State.

2. The petitioner is in custody in connection with
Sultanganj P.S. Case No. 40 of 2023 for the offence under
Section 22 of the N.D.P.S. Act and section 27(B)(ii),
18(A)/18(B)/18(C)/28/28(D) of the Drugs & Cosmetics Act
lodged on 18.01.2023 by the informant, Anish Bihari.

3. The brief facts of the case are that on 18.01.2023
upon secret information the informant apprehended the
petitioner. On search of the petitioner, total 12 bottles (each
bottle containing 100 ml) prohibited codeine rich cough syrup
and 10 strips of Nitrazone Tablets were recovered. The
recovered prohibited cough syrup and tablet has been seized by
preparing seizure list and the petitioner was arrested. The instant
FIR as such was registered.



4. Earlier Cr. Misc. No. 34462 of 2023 was preferred in which one of the stand was taken by the petitioner that he do not have criminal antecedent. That was one of the ground for allowing the bail application on 24.06.2023.

5. Subsequently, a modification petition was preferred vide Cr. Misc. No. 59413 of 2023 stating that he do have criminal antecedent. Accordingly, the petition was rejected on 08.09.2023 granting liberty to the petitioner to file fresh petition.

6. In this way, the present petition has been filed.

7. Though, considering the fact that the petitioner chose to suppress the facts on earlier occasion, this Court was initially not inclined to extend him any relief, in view of the fact that the recovery/seizure is below the commercial quantity and he has remained in custody since 18.01.2023, this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-I, Bhagalpur in connection with Sultanganj P.S. Case No. 40 of 2023 subject to the following conditions:

(i) one of the bailor shall be father-in-law 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 bond by the Trial Court itself;

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

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

(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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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