

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73209 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- BALIYA District- Begusarai

=====

SANJEEV KUMAR SINHA Son of Gurudeo Sinha @ Krishna Mohan Sinha
Resident of Balia (Ballia) P.S- Balia (Ballia) Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-01-2023 Heard Mr. Pritish Kumar Lal, learned counsel

appearing on behalf of the petitioner and Mr. Md. Ataur

Rahman, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the

complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with

N.D.P.S. P.S. Case No. 11 of 2021 in connection with Ballia P.S.

Case No. 121 of 2021, for the offence punishable under Sections

8, 21, 22 and 25 of the Narcotic Drugs and Psychotropic

Substances Act, 1985.

It is submitted on behalf of the learned counsel

appearing on behalf of the petitioner that the petitioner was

granted bail in connection with the aforesaid F.I.R. instituted



against him vide order dated 20.04.2022 passed in Cr. Misc. 71455 of 2021. However, the bail bond of the petitioner was not accepted by the Court below in view of the condition contained in paragraph no. 5 of the order dated 20.04.2022. Thereafter, petitioner filed an application under Section 482 of the Code of Criminal Procedure for modification of the order, but the same was disposed of as withdrawn with liberty to avail appropriate remedy vide order dated 24.08.2022 passed in Cr. Misc. No. 32457 of 2022.

The petitioner has submitted that this Court has granted bail after considering the merits of case vide order dated 20.04.2022 and due to the mistake of the *Pairvikar* incorrect statement was made in para 3 of the bail application with respect to the cases pending against the petitioner. He submitted that correct informations of cases pending against the petitioner has been made in para 3 of the application which interalias are as follows:-

“a.) Ballia P.S. Case No. 277 of 2015 for offences under section 147, 341, 447, 427, 384 and 506 of the Indian Penal Code which is outcome of land dispute between the informant of the said case Rajkumar Sinha and the petitioner and four others. In this case petitioner was granted bail by the court of Chief Judicial Magistrate, Begusarai, by order dated 18-02-2016 and his bail-bond was accepted by the said court on 18-02-2016.

b.) Ballia P.S. Case No. 166 of 2016 for offences under section 341, 323 and 504 of the Indian Penal Code which were compoundable offences and the matter was compromised between the parties on 20-11-2019 and he was acquitted in the same by the court of Additional Chief Judicial Magistrate, Ballia, Begusarai.



c.) Balia P.S. Case No. 122 of 2021 for offences under section 224 of the Indian Penal Code which had been instituted subsequent to the Balia P.S. Case No. 121 of 2021 i.e. the instant case. In this case petitioner has been granted bail by the court of Chief Judicial Magistrate, Begusarai, on 23-03-2022.”

He further submitted that since on merits, this Court has already granted bail and seeks humble consideration to release on bail to the petitioner.

Learned counsel appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

This Court vide order dated 20.04.2022 had passed the following orders:-

“Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State. Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with N.D.P.S. Case No. 11(a) of 2021, arising out of Balia (Ballia) P.S. Case No. 121 of 2021 for the offence punishable under Sections 8, 21, 22 and 25 of the N.D.P.S. Act. As per the prosecution case, 1918 bottles of Corex Syrup R.T.X Care Batch No. CL-0249/21 each containing 100 ML and 960 bottles of Corex Syrup Codex TUSS Batch No. TBHC 20131 each containing 100 ML were recovered from the shop of the petitioner. It is submitted on behalf of the petitioner that petitioner has falsely been implicated in this case. Petitioner is owner of the medical shop and is running the shop on a valid license. Due to inadvertence, he has brought on record license bearing License No. BGS 73/95 which is valid from 21.08.1995 to 31.12.1996. He submits that petitioner may be released on bail subject to verification of license for the current period during which the seizure was affected. Petitioner is in custody since 29.10.2021. Investigation of the case is already complete. Similarly



situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 23.11.2021 passed in Cr. Misc. No. 48242 of 2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner and similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Begusarai in connection with N.D.P.S. Case No. 11(a) of 2021, arising out of Balia (Ballia) P.S. Case No. Patna High Court 121 of 2021, subject to furnishing of license for the current period during which the seizure was affected and further subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force."

Considering the facts and circumstances of the case, the petitioner is directed to be released on bail in



connection with N.D.P.S. P.S. Case No. 11 of 2021 arising out of Ballia P.S. Case No. 121 of 2021 to the satisfaction of learned Additional Sessions Judge-I, Begusarai on the same terms and conditions as laid down in the order dated 20.04.2022.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

minu/-

U			
---	--	--	--

