

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73139 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- KUMAR KHAND District- Madhepura

HARIOM KUMAR S/O DILIP YADAV R/O VILLAGE- KUMARKHAND,
WARD NO. 8, PS. KUMARKHAND, DIST. MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Rashmi, Advocate

Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Kumarkhand P.S. Case No. 110 of 2023 for the offence under sections 21(C) of NDPS Act and 30(a) of Bihar Prohibition and Excise Act, 2018 lodged on 07.04.2023 by the informant, Anil Kumar.

3. As per the prosecution story, the police alleged that upon secret information that the accused persons are selling codeine cough syrup, reached the place where the petitioner tried to escape after leaving his motorcycle. He was intercepted and the dicky of the motorcycle was open from which 37 bottles cough syrup each containing 100 ml were recovered/seized. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that only because he has criminal antecedent, he has been implicated by the police and in that background, the entire theory has been created. Further, the recovery/seizure is 3 L and 700 ml which is below than the commercial quantity.

5. Learned APP opposes the prayer for bail stating that he has criminal antecedent.

6. Considering the submissions put forward by the learned counsel for the parties as also the fact that the recovery is below than the commercial quantity and the petitioner is in custody since 05.09.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. 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 A.D.J.-V-cum-Special Judge, Excise Act, 1st, Madhepura, in connection with Kumarkhand P.S. Case No. 110 of 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/her 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 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.

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

(Rajiv Roy, J)

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