

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.72160 of 2022**

Arising Out of PS. Case No.-470 Year-2022 Thana- MADHEPURA District- Madhepura

1. Umesh Yadav @ Umesh Kumar Son of Janardan Yadav Resident of Village - Manhara Chulahai Nagar Tola, Ward No.- 10, Police Station and District - Madhepura
2. Dilchand Kumar Son of Arun Yadav Resident of Village - Manhara Chulahai Nagar Tola, Ward No.- 10, Police Station and District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate.  
For the Opposite Party/s : Mr. Sanjay Kumar, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH  
ORAL ORDER**

2      20-01-2023              Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners are apprehending their arrest in connection with Madhepura P. S. Case No. 470 of 2022 registered for the offences punishable under Section 21 (C) of the Narcotic Drugs and Psychotropic Substances Act and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police, on a secret informant, reached a canal situated at Manhara Chulhai Nagar Tola. On seeing the police, all the accused persons including the petitioner fled away leaving behind some cartoons and a



motorcycle. On search, total 78.900 litres mixed cough syrup was recovered from the said motorcycle. It is further alleged that the co-accused Dilchand Kumar and the petitioner purchased the said syrup from co-accused Munna Kumar.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have been dragged in this case on mere suspicion. Nothing has been recovered from the conscious possession of the petitioners. The petitioners have neither any concerned with the seized motorcycle nor with the alleged recovery. He has further submitted that the co-accused Munna Kumar has already been granted bail by the Co-ordinate Bench *vide* order dated 11.11.2022 passed in Criminal Miscellaneous No. 50874 of 2022. The petitioner no. 1 is accused in three other criminal cases and the petitioner no. 2 is accused in one more criminal case as stated in para 3 of the bail petition.

Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 20,000/-



(Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Madhepura in connection with Madhepura P. S. Case No. 470 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

1. One of the bailors shall be a close relative of the petitioner, who shall give genealogy as to how he is related to the petitioner.

2. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

The application stands allowed.

**(Chandra Prakash Singh, J)**

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