

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74043 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- MURLIGANJ District- Madhepura

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SUMIT KUMAR SON OF ASHOK YADAV R/O VILLAGE- BELA WARD
NO.7, P.S.- MURLIGANJ, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
17.10.2022, in connection with Murliganj P.S. Case No. 158 of
2022, corresponding to N.D.P.S. Case No. 11 of 22/42 of 2022
F.I.R. dated 02.04.2022 registered for the offences punishable
under Section 21(c) of the N.D.P.S. Act and Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

Recovery is of 880 bottles of cough syrup containing
100 ml each.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that from a bare perusal of
F.I.R. it transpires that cough syrup has been recovered from the



car in question and without FSL report the petitioner has been implicated in false and fabricated case and without FSL report the police after investigation has submitted chargesheet against the petitioner and the petitioner is in custody since 17.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-V-cum-Special Judge, Excise Act-I, Madhepura in connection with Murliganj P.S. Case No. 158 of 2022, corresponding to N.D.P.S. Case No. 11 of 22/42 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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