

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17817 of 2024

Arising Out of PS. Case No.-358 Year-2023 Thana- SONBERSA District- Sitamarhi

Mithilesh Rai Son of Ramlakhan Rai Resident of Village -Janaki Nagar, Ward
No. 01, Pipra Parsian, P.S.-Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv.

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Sonbarsa PS Case No. 358 of 2023 dated 03-12-2023, instituted
under Sections 21(b),(c) of the NDPS Act.

3. Allegation is of recovery of 212 bottles (100 ml
each) Wincerex cough syrup. The place of recovery of the said
articles is shown as “near BP No.319/24”, which was later on
produced before the Thana-Siristha, Sonbarsa, District
Sitamarhi.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from the conscious possession of the petitioner or from
the house of the petitioner. The alleged recovery is said to be
made from “BP No.319/24”, which was later on produced



before the concerned police station as per the production cum seizure list. The petitioner has been made accused in this case only on the basis of disclosure made by the co-accused, namely, Navin Kumar, who was apprehended at the spot and has already been granted regular bail by this court, vide order dated 12-03-2024, passed in Cr. Misc. No. 15369 of 2024. Lastly, it is submitted that one criminal case is pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge/In Charge Successor Court, Sitamarhi, in Sonbarsa PS Case No. 358 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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