

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34819 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- ISHAKCHAK District- Bhagalpur

Deepak Das S/o- Late Munna Das Vill- Bhikhanpur Gumti no. 2, Harijan
Tola, P.S. Ishakchak, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 26-07-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Ishakchak P.S. Case No. 07 of 2024,
registered for the offence punishable under Sections 21(c) and
22(c) of the NDPS Act, 1985.

3. The police on a secret information regarding
storage of huge quantity of codeine cough syrup for sell, raided
the house of co-accused *Kanhaiya Thakur*. When the police
reached at the house of co-accused *Kanhaiya Thakur*, the
petitioner was found present. The petitioner disclosed that the
codeine cough syrup has been kept in the house of co-accused
Kanhaiya Thakur and also disclosed the name of purchaser. On
search, total 530 bottles, each containing 100 ml codeine cough



syrup has been recovered from the house of co-accused.

4. Learned Advocate for the petitioner contended that the alleged recovery has been made from the house of co-accused *Kanhaiya Thakur*. However, only on the fact that he was present in the house of co-accused *Kanhaiya Thakur*, his name has been implicated in this case. Moreover, no incriminating material has been recovered from the person or possession of the petitioner. It is further contended that during the course of investigation, no material has come suggesting that the petitioner was involved in trade of cough syrup. However, only on account of one criminal antecedent of identical nature, his name has been implicated in this case. The petitioner has neither any concern with the alleged recovered codeine cough syrup nor with the co-accused persons. It is lastly contended that now the petitioner is in custody since 09.01.2024, moreover, the investigation of the crime is complete and the charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the material has come suggesting the involvement of the petitioner in the present crime.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the alleged recovery of the cough syrup has been made from the house of co-accused person, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned District Judge, Bhagalpur in connection with Ishakchak P.S. Case No. 07 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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