

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50834 of 2024

Arising Out of PS. Case No.-175 Year-2024 Thana- RAXAUL District- East Champaran

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Vinay Kumar Son of Laxman Prasad Gupta R/O Vill.- Sabzi Mandi, Ward no.
21, P.S.- Raxaul, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 25-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Raxaul
(Haraiya) P.S. Case No. 175 of 2024 dated 17.05.2024, instituted
for the offence punishable under Sections 414 of the Indian Penal
Code and Section 21(c), 23(c) and 29 of the Narcotic Drugs and
Psychotropic Substances Act, 1985.

3. Allegation against the petitioner and one co-accused
person is that they were carrying 23.3 litres cough syrup from a
motorcycle. The said motorcycle was being driven by the co-
accused and the petitioner is pillion driver.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that the said



motorcycle was being driven by co-accused, Deepak Kumar. The petitioner is pillion driver of the said motorcycle. From the said motorcycle, total 23.3 litres banned cough syrup was recovered. Nothing has been recovered from the possession of the petitioner rather the said articles were recovered from the motorcycle. Learned counsel for the petitioner further submits that petitioner is not the owner of the said motorcycle. He had taken lift from co-accused Deepak Kumar to purchase medicine for his mother. The petitioner has no concern with the seized articles. Lastly, it has been submitted that the petitioner is in custody since 18.05.2024 having four criminal cases against him, out of which, the petitioner has been acquitted in Raxaul P.S. Case No. 32 of 2019. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let 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, East Champaran, Motihari in connection with Raxaul (Haraiya) P.S. Case No. 175 of 2024, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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