

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57208 of 2024

Arising Out of PS. Case No.-80 Year-2024 Thana- RUPAULI District- Purnia

Gulshan Kumar @ Gulshan Kumar Mandal @ Gulshan Mandal S/o Late
Dobhi mandal @ Doman Mandal R/o village-Aajhokopa, P.S.- Rupauli,
District- purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv Mr. Bidhu Ranjan, Adv Mr. Kumar Rajdeep, Adv
For the Opposite Party/s :		Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-09-2024
1.

Heard learned senior counsel for the petitioner, Shri. N.K. Agrawal and learned A.P.P. for the State, Shri. Chandra Bhushan Prasad.
2.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 8(c)/21(c) of N.D.P.S. Act.
3.

Learned senior counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he received secret information that Dharamlal along with his nephew (petitioner) does illegal business of banned syrup, accordingly, the house of Dharamlal was raided and 180 bottles of 100 ml each of codeine syrup was



seized and Dharamlal was apprehended who disclosed that syrup was supplied by his maternal nephew, Gulshan, i.e., petitioner.

4. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that his name transpired in the confessional statement of Dharamlal in police custody which does not have any evidentiary value, when petitioner admittedly is a person with clean antecedent.

5. The learned APP for the state, Mr. Chandra Bhushan Prasad vehemently opposes the prayer for anticipatory bail of the petitioner and submits that no doubt the name of the petitioner transpired in the confessional statement of the apprehended accused but then the apprehended accused is own uncle (mama) of the petitioner. It is next submitted that codeine of late in absence of liquor is being used frequently by the young generation which is getting ruined. It is also submitted that the legislature after examining the harmful effect of codeine included the same in the list of NDPS. It is next submitted that investigation of the case is in its nascent stage and in the event if the petitioner is granted the privilege of anticipatory bail, in that event, he may abscond, on which the learned senior counsel



submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rupauli P.S. Case No. 80 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his mother, Shila Devi.

8. It is made clear that the petitioner will keep marking his attendance in the concerned police station in between 1 to 5 of every month commencing from October 2024 till the charge sheet is not submitted. If the petitioner does not mark his attendance in the concerned police station, in between the aforesaid date in any month before filing of charge sheet, the Investigating Officer of the case will file an application before the learned trial court bringing to its notice that petitioner is



violating the condition of the grant of anticipatory bail and the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

9. It is also made clear that if charge sheet is submitted connecting the petitioner with the offence in that event the present anticipatory bail order shall lose its effect.

10. Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

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