

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85596 of 2024

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

Md. Hasan Son of Late Md. Jainul Resident of Mohalla- Gumti No. 12,
Kabari Tola, Police Station- Ishak Chak, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar
For the Opposite Party/s : Mr.Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-12-2024 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 allegation against the petitioner is of indulge in
storage of contraband substance. The police on secret
information raided the house of co-accused *Kanhaiya Thakur*
and apprehended one Deepak Das who was found present. The
apprehended person disclosed that huge quantity of codeine
cough syrup has been kept in the house of co-accused *Kanhaiya*
Thakur and also disclosed the name of petitioner. On search,
total 530 bottles, each containing 100 ml. codeine cough syrup



has been recovered from the house of *Kanhaiya Thakur*.

4. Learned Advocate for the petitioner contended that admittedly the recovery has been made from the house of co-accused *Kanhaiya Thakur* and the name has been disclosed by co-accused *Deepak Das*. Save and except the disclosure made by co-accused, there is no other material. In fact on account of past criminal antecedent of the petitioner his name has been implicated in this case. Co-accused person Deepak Das, on whose confession the name of the petitioner has transpired, has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 34819 of 2024 vide order dated 26.07.2024. It is lastly contended that the petitioner has neither any concern with the alleged recovered codeine cough syrup nor with the co-accused person, moreover, the petitioner has been incarcerated since 25.06.2024. 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 petitioner bears five criminal antecedents out of which one in relation to the NDPS Act.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and



except the disclosure of the apprehended co-accused, there is no other material suggesting complicity of the petitioner in the crime of recovery of cough syrup; moreover 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 Sessions 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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