

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8049 of 2025

Arising Out of PS. Case No.-352 Year-2023 Thana- SONBERSA District- Sitamarhi

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Sushil Kumar @ Sushil Sah @ Sushil Olangwa, S/O Late Kailash Sah,
Resident of Village- Sonbarsa, P.S.- Sonbarsa, Dist- Sitamarhi
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sonbarsa P.S. Case No. 352 of 2023 dated 25.11.2023 instituted for the offence punishable under Sections 21(b)(c) of Narcotic Drugs and Psychotropic Substances Act.

3. The prosecution case, in short, is that total 925 bottles of intoxicated cough syrup was found in the house of Raj Kumar Sah who disclosed the name of the petitioner.

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 petitioner has not been arrested on the spot. Co-accused Raj Kumar Sah was arrested at the spot from whose house the



seized items were recovered. The petitioner has been made accused on the disclosure made by the apprehended person. Learned counsel for the petitioner submits that Raj Kumar Sah @ Raj Kumar has been granted bail vide order dated 10.04.2024 passed by a co-ordinate Bench of this Court in Criminal Miscellaneous No. 25882 of 2024. Lastly, it has been submitted that the petitioner is in custody since 03.04.2024 having two criminal cases against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. for the State 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 Special Judge, Sitamarhi in connection with Sonbarsa P.S. Case No. 352 of 2023, subject to the following conditions:

1. 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.

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

3. 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.

4. 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.

5. The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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