

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9623 of 2025

Arising Out of PS. Case No.-351 Year-2024 Thana- JANKINAGAR District- Purnia

Ritesh Yadav @ Ritesh Kumar Son of Bhawesh Yadav Resident of Village-
Chandpur Bhangha, Ward No.- 15, PS- Jankinagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Advocate.

For the State : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Jankinagar P.S. Case No. 351 of 2024 dated
24.09.2024 registered for the offences punishable under
Sections 8(c) and 21(c) of the N.D.P.S. Act.

3. As per allegation, 30 bottles of Codeine Syrup has
been recovered from the dicky of the Motorcycle bearing
registration No. BR-38V-1697 which was in abandoned
condition standing in front of the foot-wear shop of the
petitioner. It is further alleged that on arrival of the Police, the
petitioner and other co-accused had fled away.

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



case. He further submits that the petitioner is no way involved in the alleged offence and the Motorcycle from where recovery of the Codeine syrup has been made, does not belong to him. Only material against the petitioner is so-called statement of local *chowkidar* and as per his statement, the accused including the petitioner had fled away from the place of recovery. As such, there is no cogent and legally admissible material against the petitioner to implicate him in such stringent penal law and on the basis of such material it would be travesty of justice to curtail the liberty of the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail submitting that amount of the recovered contraband is an incriminating quantity and, hence, the petitioner should not be granted bail.

8. Considering lack of any cogent and legally admissible material against the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged



on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-III, Purnea, in connection with Jankinagar P.S. Case No. 351 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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