

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22355 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- MANSI District- Khagaria

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Binit Kumar S/o Sri Bechan Singh Resident of village- Jhauwa Bahiyar, P.S.-
Harinmar, District- Munger Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ritwik Thakur, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2025 Heard Mr. Ritwik Thakur, learned counsel for the

petitioner and Mr. Dr. Ajeet Kumar, learned Additional Public

Prosecutor for the State.

2.The petitioner is apprehending his arrest in connection
with Mansi P.S. Case No. 277 of 2024, F.I.R dated 20.11.2024
registered for the offences punishable under Section 21(C)of the
Narcotic Drugs and Psychotropic Substance (N.D.P.S) Act.

3. Recovery is of 70 liters of wiscodin cough syrup.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R is false and fabricated. From bare perusal of the FIR it
appears that on the alleged date of occurrence the petitioner was in
his office at A.D.M. Agro Industries India Pvt. Ltd., Belur,
Dharwad, Karnataka and apart from that he has produced the
attendance register and a certificate from the employer which



suggest that the petitioner was in service at Karnataka. He further submits that it appears from the F.I.R that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and the petitioner name transpired merely on the ground that he is the registered owner of the said motorcycle. Infact the same motorcycle was used by brother-in-law of the petitioner, who was apprehended by the police. He further submits that there is non-compliance of the mandatory provision of Section 42 of the N.D.P.S. Act and it appears that the recovered contraband is less than the commercial quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner carries one criminal antecedent in which he is acquitted.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Special Judge (N.D.P.S. Act), Khagaria in connection with Mansi P.S. Case No. 277 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other 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 shall remain physically present as directed 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. 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.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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