

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65627 of 2024

Arising Out of PS. Case No.-163 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Mohan Kumar @ Mohan Kumar Rai @ Raushan Kumar Son of Kameshwar Rai R/V- Village- virta Tola, P.S.- Malangwa, Distt.- Sarlahi, Country- Nepal at present residing at Village- Bahera, Ward No. 5, P.S.- Majorganj, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate
For the State : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-01-2025 Heard Mr. Birendra Kumar, learned counsel for the
petitioner and Mrs. Madhuri Lata, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 22.06.2022, in connection with N.D.P.S. Case Reg. No. 11 of 2022 (Trial No. 04/2023) arising out of Majorganj P.S. Case No. 163 of 2022, FIR dated 21.06.2022 registered for the offence under Sections 21(C) and 29 of the N.D.P.S. Act.

3. The case relates to recovery of huge quantity of psychotropic substances from the shop in which the petitioner was working.

4. Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and he has falsely been implicated in this case. He



further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the petitioner is a worker in the medicine shop. He further submits that all the medicines which were recovered from the shop of the co-accused person, namely, Sonu Kumar is under the prescribed limit/standard quality. He further submits that co-accused person, namely, Sonu Kumar who is owner of the medicine shop has already been granted bail by this Court vide order dated 10.07.2023 passed in Cr. Misc. No. 55081 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.06.2022.

5. F.S.L. report was called for in the present case, F.S.L. report dated 30.05.2023 suggests that all the medicines which are recovered from the shop of the co-accused person is under the prescribed limit/standard quality.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts that the petitioner having clean antecedent and FSL report suggests that the recovered medicines were under the prescribed limit/standard



quality and the co-accused person, namely, Sonu Kumar, who is the owner of the medicine shop in question, has already been granted bail by this Court, let the, above named, petitioner 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 learned Addl. District and Sessions Judge- 2nd Cum Special Judge, (NDPS Act), Sitamarhi in connection with N.D.P.S. Case Reg. No. 11/2022 (Trial No. 04/2023) arising out of Majorganj P.S. Case No. 163 of 2022 with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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