

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87069 of 2024

Arising Out of PS. Case No.-122 Year-2024 Thana- Mufassil District- Khagaria

1. Nitish Kumar Son of Late Saudi Ray @ Sauti Ray Village- Mansi, Gharari, ward no. 10, P.S.- Muffasil, Distt.- Khagaria
2. Duresh Kumar Son of Late Saudi Ray @ Sauti Ray Village- Mansi, Gharari, ward no. 10, P.S.- Muffasil, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 26-06-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners seek regular bail in a case registered
for the offences punishable under Section 30(a) of the Bihar and
Excise Act.

3. As per the prosecution case, total 236 litres of illicit
codeine cough syrup was recovered from the house of the
petitioners.

4. Learned counsel for the petitioners has submitted
that the petitioners are innocent and have falsely been
implicated in this case and the house, in question, is a joint
property. It is next submitted that the petitioners have no



concern with the alleged recovery and no incriminating article has been recovered from their conscious physical possession. It is also submitted that the seized contraband is below the commercial quantity. It is lastly submitted that the petitioners have clean antecedent and are in custody since 16.09.2024. Learned counsel for the petitioners undertakes to deposit a fine of Rs. 5,000/- each in the account of Advocate Association of the Patna High Court.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid submissions of the parties as well as undertaking given by the petitioners and also considering the period of custody, let the petitioners above-named, be enlarged on bail, on deposition of a sum of Rs. 5,000/- each in the account of Advocate Association of the Patna High Court, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail-bonds and thereafter on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria, in connection with Muffasil P.S. Case No. 122 of 2024, subject to the following conditions:-



(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be canceled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

7. The application stands allowed.

(Sourendra Pandey, J)

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