

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4662 of 2025

Arising Out of PS. Case No.-26 Year-2024 Thana- GAMAHARIYA District- Madhepura

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Omkar Kumar @ Onkar Kumar S/o- Shri Umesh Yadav Resident of Village-
Fulkaha, P.S. Gamharia, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suman Kumar Jha, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-05-2025 Heard Mr. Suman Kumar Jha, learned counsel for

the petitioner and Mr. Chandra Sen Prasad Singh, learned APP

representing the State.

2. The petitioner is apprehending his arrest in
connection with Gamharia P.S. Case No. 26 of 2024 for the
offence under Section 21(c) of the N.D.P.S. Act, lodged on
20.02.2024 by the informant, Vikas Kumar.

3. As per the prosecution story, the informant alleged
that on secret information, an Innova car was intercepted, two
persons sitting there namely Ravi Kumar and Md. Rahbar Firoz
@ Bunty were apprehended and upon search of dicky, there is
recovery/seizure of 300 liters Wiscof Cough Syrup beside
mobile phones. The apprehended person informed that this was
being delivered to Fulkaha on the instruction of the petitioner



who was conversing to them by mobile number 725898XXXX.
This led to the F.I.R.

4. Learned counsel for the petitioner submits that neither the car belongs to him nor he was present in the said vehicle by which the alleged recover/seizure was made. Further, even the aforesaid mobile number 725898XXXX does not belong to him and can be verified. He has completed his management courses and preparing for examination and has no criminal antecedent. Last submission is that without accepting the allegation or outcome of the petition the petitioner intends to pay Rs.25,000/- by Demand Draft to the District Legal Services Authority, Madhepura issued by the local branch of the State Bank of India for the beautification of the Civil Court Campus, Madhepura.

5. Learned APP opposes the prayer for bail submitting that the mobile number belongs to the petitioner which has been used for conversation with those who were present in the said vehicle.

6. Learned counsel for the petitioner submits that the same be verified and if the said mobile number belongs to the petitioner, the relief is granted be recalled/made infructuous.

7. Taking into account the aforesaid facts as also that



the petitioner has made a categorical statement that he do not own either the mobile or the car, has no criminal antecedent and the document shows that he has passed out MBA Examination from the Patilputra University in the year 2023, in that background, this Court is inclined to extend him the relief of anticipatory bail subject to verification of the aforesaid mobile number as also his criminal antecedent and payment of Rs.25,000/- by Demand Draft to the District Legal Services Authority, Madhepura issued by the local branch of State Bank of India for the beautification of the Civil Court Campus, Madhepura and the receipt has to be submitted before the Trial Court.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge 1st-cum-Special Judge, Madhepura, in connection with Gamharia P.S. Case No. 26 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

9. Let a copy of the order be sent to the Principal District & Sessions Judge, Madhepura for perusal and needful.

(Rajiv Roy, J)

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