

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5863 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- SARSI District- Purnia

Mithu Kr. Sharma @ Mithu @ Manil @ Manish Sharma @ Mithu Kumar Sharma @ Sanil S/o Dilip Sharma @ Dileep Kumar Sharma Resident of Village - Chauhan Tola Lakri Patti, Khuskibagh, P.S. - Sadar, Dist- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 03-07-2025 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 8(c), 21(b) and 21(c) of the N.D.P.S. Act. Petitioner has three criminal antecedents.

3. As per the prosecution case, the informant on secret information that sale and purchase of smack/brown sugar was made, conducted a raid and apprehended four persons who disclosed their names as Vijay Kumar Agarwal, Rahul Kumar Saurabh Kumar and Dharmendra Yadav and on search 102 grams smack was recovered from Vijay Kumar Agarwal, 102 grams from Rahul Kumar, 102 grams from Saurabh Kumar and 66 grams smack was recovered from Dharmendra Yadav. The



apprehended person had disclosed the name of one Mithu @ Sanil @ Manish Sharma (petitioner) from whom they used to purchase the said smack and sell it in the market.

4. The learned counsel for the petitioner submits that petitioner has falsely been implicated in this case, admittedly the petitioner was not apprehended at the place of occurrence and has been made as the supplier of the said smack. It has further been alleged that no recovery whatsoever has been made from the conscious possession of the petitioner and barring the statement given by the apprehended co-accused persons, there is nothing against the petitioner to connect him with the present case. It has lastly been submitted that the petitioner though has three criminal antecedents, however, they are not of similar nature and he is in custody since 12.08.2024 in the present case. Learned counsel lastly submits two apprehended co-accused person have already been enlarged on bail by a Co-ordinate Bench of this Hon'ble Court, copy of which has been brought on record by way of Annexure-P/2.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that in all 312 grams of smack (brown sugar) was recovered from the person, who had purchased the said smack from the petitioner.



6. Considering the aforesaid submissions made by the parties and taking account that apprehended co-accused persons have already been enlarged on bail and also considering the period of custody, let the petitioner, above named, 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 court below where the case is pending/successor court in connection Sarsi P.S. Case No. 104 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Purnia within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned, order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

Siwani/-

U		T	
---	--	---	--

