

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16250 of 2021**

Arising Out of PS. Case No.-264 Year-2019 Thana- BETTIAH CITY District- West
Champaran

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RAKESH SAH Son of Mohan Sah Resident of Village - Baswariya Pipal
Chowk, P.S.- Bettiah (Town), Distt.- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Union of India through Zonal Director, Narcotics Control Bureau Patna,
Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Shrivastava, Adv.
For the Opposite Party No.1:		Mr.Tarkeshwar Nath Thakur, APP
For the O.P. No.	:	Mr. Ratnesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 24-09-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.

for the State.

Petitioner in the present case is seeking regular bail in

connection with Bettiah (Town) P.S. Case No.264/2019 registered for

the offences punishable under Sections 20, 23, 24, 25 and 27(A) of

the N.D.P.S. Act. He is in custody since 23.11.2020.

As per the prosecution story, the informant got secret

information that some persons were assembled in Mohalla Pathari

Ghat for purpose of sell and purchase of Charas. On receiving this

information the informant along with other police party reached at the given place and saw that some persons were standing with two motorcycles. It is alleged that on seeing the police party all the persons started fleeing away after leaving one cartoon but on chase two of them were apprehended. The apprehended persons disclosed their names as Md. Sarfaraj and Anil Jaiswal and they also disclosed the name of the petitioner as their associate.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case at the instance of his enemies. Learned counsel submits that nothing has been recovered from the possession of the petitioner. It is submitted that the co-accused Md. Sarfaraj and Anil Jaiswal have been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.43404/2019 and Cr.Misc.No.67089/2019.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the thrust of the allegations are against co-accused Md. Sarfaraj and Anil Jaiswal, there is no recovery from the possession of this petitioner and the petitioner who has got one criminal antecedent as stated in paragraph '3' is languishing in custody in connection with this case since 23.11.2020, the co-accused Md. Sarfaraj and Anil Jaiswal have been granted bail by a learned coordinate Bench of this

Court in Cr.Misc.No.43404/2019 and Cr.Misc.No.67089/2019, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah (Town) P.S. Case No.264/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.