

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37185 of 2020**

Arising Out of PS. Case No.-34 Year-2020 Thana- CHHAURADANO District- East
Champaran

=====

RAUSHAN KUMAR S/o Nawal Kishore Singh R/o Village- Dahila, P.S.-
Gaighat, District- Muzaffarpur

... .. Petitioner

Versus

Union of India through NCB Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binay Kumar Pandey, CGC

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 12-07-2021 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

Central Government Counsel for the Central Government.

Petitioner in the present case is seeking regular bail in

connection with Case No. NDPS 9 of 2020 arising out of

Chauradano P.S. Case No. 34 of 2020 registered for the offences

punishable under Sections 8, 20(b)(ii)(C) of Narcotic Drugs and

Psychotropic Substances (N.D.P.S.) Act.

As per the prosecution story, the informant got secret

information about smuggling of illegal codeine at Nahar

Chowk, Chourdano. The informant along with the raiding team



reached at the said place and saw a person going towards Nahar Chowk. The informant asked the person to stop but he started fleeing away but was eventually apprehended and when he was searched, total 225 grams codeine was recovered from this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that as per the seizure list, 225 grams codeine is said to be recovered which is much less than the commercial quantity. Learned counsel submits that the petitioner is in custody since 05.02.2020 having no criminal antecedent.

Learned Central Government counsel has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned Central Government counsel accepts the submission of learned counsel for the petitioner that the commercial quantity of codeine is one kg, this Court having noticed that the alleged recovery is of 225 grams only, the petitioner has remained in custody in connection with this case since 05.02.2020, investigation against him is complete but the trial is not likely to take place in near future, he has otherwise



no criminal antecedent and there being less than the commercial quantity, the rigours of the Section 37 of N.D.P.S. is not attracted, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-13th, Motihari in connection with N.D.P.S. Case No. 9 of 2020 arising out of Chauradano P.S. Case No. 34 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

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'.

