

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2297 of 2022

Arising Out of PS. Case No.-308 Year-2017 Thana- SHERGHATI District- Gaya

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Raushan Kumar Raut @ Raosan Kumar Son of Late Ramanand Prasad
Resident of Village - Dobhi, P.s.- Dobhi (Sherghati), Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Advocate
For the State	:	Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-09-2022 Heard learned senior counsel appearing on behalf of
the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sherghati
(Dobhi) P.S. Case No. 308 of 2017 registered for the offence
under Sections 8, 15, 17(C), 18(C), 25 and 29 of the NDPS Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.08.2021.

The allegation against the petitioner is to serve in a
hotel of his brother, where a total of 85 kg of Doda flower and



powder were recovered.

Learned senior counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of disclosure made by apprehended persons. It is submitted that, admittedly, the alleged hotel belongs to the brother of the petitioner, namely, Rajesh Kumar, who has already been acquitted by the Trial Court in this matter. It is further submitted that, admittedly, it is not a case of recovery from the conscious physical possession of the petitioner. It is also submitted that compliance of Section 42 and 50 of NDPS Act was not made in the present case. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that the alleged contraband comes under the category of poppy straw, where commercial quantity is 50 kg.

A report regarding stage of trial was called for vide order dated 07.06.2022, and in compliance of said order, a report was submitted by Additional Sessions Judge-I, Gaya



through Letter no. 825 dated 21.06.2022 stating thereof that charge has been framed on 24.03.2022 and despite of three opportunities, no prosecution witness turned up till date.

In view of the facts and circumstances as mentioned above, as, admittedly, premises, from where contraband was recovered, is not appears to be connected with the petitioner, and main accused has already been acquitted, let the petitioner, above named, is directed to be released on bail in connection with Sherghati (Dobhi) P.S. Case No. 308 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Judge, NDPS Act, Gaya/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(ii) That one of the bailors shall be
Surendra Prasad, who is the ‘*Mama*’ of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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