

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8193 of 2022

Arising Out of PS. Case No.-702 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

Rohit Singh Son Of Rajesh Singh Resident Of Village- Tilak Tajpur, P.S.
Runnisaidpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal (Sr. Adv.)
	:	Mr. Pushpendra Kumar Singh
	:	Mr. Divya Bharti
For the Opposite Party/s	:	Mr. Rajendra Singh Shastri (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 13-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with
N.D.P.S. Case No. 151 of 2021 arising out of Ahiyapur P.S.
Case No. 702 of 2021 dated 16.10.2021, registered for the
offences punishable under Sections 8 (c) and 21 (b) of
N.D.P.S. Act.

As per allegation, 27 Puriya of smack, weighing 13
gms, wrapped in white paper, has been recovered from the
pocket of the accused petitioner.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the rule and procedure as prescribed under the NDPS Act for search and seizure has not been followed by the police personnel. He also submits that the FSL report has also not come till date.

The petitioner has been languishing in jail since 17.10.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, particularly the recovered quantity of alleged contraband, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional District and Sessions Judge 2nd-cum-Special Judge N.D.P.S, Muzaffarpur in connection



with N.D.P.S. Case No. 151 of 2021 arising out of Ahiyapur
P.S. Case No. 702 of 2021 dated 16.10.2021 on the
following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court
below that the petitioner has any criminal antecedent, the
learned court below shall cancel the bail bond of the
petitioner after hearing him and getting satisfied that the
petitioner has concealed his criminal antecedent despite his
knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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