

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.28056 of 2021**

Arising Out of PS. Case No.-268 Year-2020 Thana- HATHAURI District- Muzaffarpur

Raju Rai Son of Binda Rai Resident of village - Jagarnathpur, P.S. - Hathauri,  
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

Mr. Ravinder Kumar Sharma, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

3      29-01-2022                      Heard learned counsel for the petitioner and learned  
  
Additional Public Prosecutor for the State as well as learned  
  
counsel for the Union of India in Virtual Court proceeding.

Let the defects, as pointed out by the office, be  
  
removed within four weeks of start of normal functioning of the  
  
physical court.

Petitioner seeks bail in connection with Hathauri P.S.  
  
Case No. 268 of 2020 registered for the offences punishable  
  
under Sections 20/22 of N.D.P.S. Act.

According to prosecution case, as per the statement of  
  
informant two persons were arrested with 500 gms Charas,  
  
whose names are Raju Kumar (petitioner) and Bittu Kumar @  
  
Rajnish Kumar. Both of them admitted before the police that  
  
they are indulged in selling and purchasing of narcotic



substances.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that from the F.I.R. as well as seizure list it appears that the police recovered total 500 gms. Charas from the joint possession of the petitioner along with one Bittu Kumar @ Ranish Kumar. He further submits that the recovered quantity of Charas does not come in the purview of commercial quantity. Similarly, co-accused, namely, Bittu Kumar @ Rajnish Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 14.09.2021 passed in Cr. Misc. No. 25322 of 2021. Petitioner is in custody since 30.11.2020.

The learned Additional Public Prosecutor opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Excise, Muzaffarpur in connection with Hathauri P.S. Case No. 268 of 2020, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

**(Rajesh Kumar Verma, J)**

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