

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44964 of 2022

Arising Out of PS. Case No.-1 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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AKASH KUMAR RAI Son of Om Prakash Rai Resident of 21 Airport Road
Behala, Parnashree Pally, Kolkata – 700060.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Union of India through Amit Kumar Inspector (Prev.) Land Customs
Station Raxaul Seizing Officer Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Ms. Archana Sinha @ Archana Shahi, Advocate
For the State	:	Ms. Madhuri Lata, APP
For the Union of India	:	Mr. Anshuman Singh, Sr. S.C., Custom

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 22-12-2022 Learned counsel for the petitioner has filed
supplementary affidavit in Court today.

Let the same be kept on record.

In paragraph-7 of the supplementary affidavit, learned
counsel for the petitioner states that “That this petitioner is not
pressing the paragraph no 7 of the bail petition. Hence, the same
may not be taken as part of the bail petition”

Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection
with NDPS Case No.52 of 2021, registered for the offences
punishable under Sections 21(c), 23(c) and 25 of the NDPS Act.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the petitioner is made accused in the present case as he is the owner of the said truck from which Indian made manufactured Psychotropic drugs, i.e., ONEREX Cough Syrup in 100 ml Bottles containing Codeine Phosphate in commercial quantity total 1170 Bottles (240 Bottles in two cartoons recovered from cabin and 930 bottles recovered from the cavity underneath of the chassis of the trailer) were recovered. It is submitted that the driver of the truck is involved in the present offence and the driver has fled away from the place of occurrence. Notices have been served upon the driver and the owner of the vehicle, but they did not appear before the Custom Department.

Learned counsel appearing on behalf of the Custom Department has opposed the prayer for anticipatory bail of the petitioner.

Taking into consideration the fact that no specific overt act is alleged against the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be



enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Motihari in connection with NDPS Case No.52 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The petitioner is directed to co-operate in the trial.

It is made clear that if the petitioner does not co-operate in trial, the Custom Department would be at liberty to move for cancellation of bail bond of the petitioner.

(Anjani Kumar Sharan, J)

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