

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42905 of 2022**

Arising Out of PS. Case No.-469 Year-2021 Thana- GAYA MUFASIL District- Gaya

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Raja Kumar @ Gulshan Kumar Son of Raman Kumar @ Sudhir Singh
Resident of village - Janakpur, Manpur, P.S.- Muffasil, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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

3 12-12-2022 Learned counsel for the petitioner is permitted to

remove the defects, as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case

registered for the offences punishable under Sections 20(ii)(c)

and 22(c) of the narcotic Drugs and Psychotropic Substance Act,

1985.

Recovery is of 2.2 Kg of Brown Sugar from the Dicky

of the motorcycles.

Learned counsel for the petitioner submits that the

petitioner has clean antecedents and he has been falsely

implicated in the present case. He further submits that in fact



the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused Dheeraj Kumar and except the confessional statement of co-accused no cogent material has come during investigation.

Vide order dated 14.11.202, FSL report was called for and FSL report dated 26.05.22 reveals that “No Brown sugar or Heroin, a Dia acetyl derivative of Morphine could be detected in the contents of polythene envelope”.

Learned APP for the State has opposed the prayer for bail of the petitioner but fairly submits that FSL report reveals that no substance of contraband.

Considering the facts and circumstances of the case and in view of the FSL report, no case is made out under the NDPS Act, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Muffasil P.S. Case No. 469 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 witness, 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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