

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60518 of 2021**

Arising Out of PS. Case No.-200 Year-2021 Thana- MANIYARI District- Muzaffarpur

Raushan Kumar, Son of Kamaldev Ray @ Kamaldev Rai, Resident of
Village- Mohani Tola Darjiya, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Sanjana, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 22-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Maniyari P.S. Case No. 200 of 2021 registered for the alleged offences under Sections 20, 22 and 8 of the N.D.P.S. Act.

As per prosecution case, during regular patrolling, police apprehended the petitioner and from his possession, about 250 grams of charas like substance was recovered.

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



case and there has been non-compliance of Section 50 of the NDPS Act. Even when the police party came to know the petitioner was carrying charas, he was neither taken before a Gazetted Officer nor any Gazetted Officer was called nor option was given to him to be searched before the Gazetted Officer. There has been non-compliance of Section 100 of Cr.P.C. as well and no independent witnesses were asked to join the search which vitiates the seizure made from this petitioner. Even during investigation it has come in the statement of witnesses that this petitioner has no role in the whole occurrence and the contraband does not belong to him. The petitioner is in custody since 01.07.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the recovery has been made from this petitioner and the seized contraband is much more than the small quantity but it is less than the commercial quantity.

Perused the records.

Having regard to the submissions made hereinabove and considering the recovery made from the petitioner and further considering the fact that the petitioner has got no criminal antecedent and also considering the submission of



charge-sheet as well as the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VIII-cum-Special Judge N.D.P.S., Muzaffarpur in connection with Maniyari P.S. Case No. 200 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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