

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61630 of 2021

Arising Out of PS. Case No.-41 Year-2021 Thana- BARAUNI RAIL P.S. District- Begusarai

NEERAJ KUMAR @ NIRAHUA @ TERE NAM Son of Late Amresh Mahto
Resident of Village- Rudauli, P.S.- Bachhwara, Distt- Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha

For the Opposite Party/s : Mr. Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-02-2022 Heard learned counsel for the petitioner and the State.

The matter has been taken up through video conferencing.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 414 of the IPC and u/s 20/22 of the N.D.P.S. Act.

As per the prosecution case, one mobile phone and 45 tablets of 0.5 mg. of Alprazolam have been recovered from the possession of this petitioner. It is alleged that petitioner used to administer Alprazolam tables to the passengers in the tea and food articles and thereafter commit robbery.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the



conscious possession of the petitioner and he is no way concerned with the alleged recovery. It is submitted that mandatory provision with regard to search and seizure has not been followed and since the recovered quantity of narcotic substance is less than small quantity, rigours of Section 37 of the NDPS Act could not be attracted against this petitioner. Petitioner is in custody since 25.05.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with NDPS case No. 13/2021, arising out of Barauni Rail PS case No.41/2021.

(Prabhat Kumar Singh, J)

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