

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63153 of 2021**

Arising Out of PS. Case No.-542 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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ARJUN KUMAR Son of Indrasan Chaurasia Resident of - Saraiya, Ward No.-
3, Barai Tola, P.S. - Gopalganj (Town), District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 65318 of 2021

Arising Out of PS. Case No.-542 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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DILIP CHAURASIYA @ DEELIP CHAURASIA Son of Ganesh Chaurasiya
Resident of Village - Sareya (Ward No.-3) Barai Tola, P.O. and P.S. and
District – Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 63153 of 2021)

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 65318 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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

5 29-08-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

The petitioners seek bail in a case registered for the
offence under Sections 413,414,34 of the Indian Penal Cod and
Sections 8(c) and 31(a) of the Narcotic Drugs and Psychotropic



Substances Act, 1985.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR as well as seizure list that 9.09 miligrams of smack has been recovered from possession of petitioner Arjun Kumar and 3.40 miligrams of of smack has been recovered from possession of petitioner Dilip Chaurasia. He further submits that small quantity of smack is 5m grams and the commercial quantity of smack is 250 grams and Section 37 of the NDPS Act will not come on the way to enlarge the petitioners on bail. He further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 30.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that petitioner Arjun Kumar carries three more cases and petitioner Dilip Chaurasia carries two more cases other than the present one .

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending in connection with Tr.No. 41 of 2021 arising out of Gopalganj (Town) P.S.Case No. 542 of 2021 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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