

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54562 of 2022

Arising Out of PS. Case No.-188 Year-2022 Thana- BARAULI District- Gopalganj

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RUPESH GAWALA @ SURESH YADAV @ SURESH Son of Late
Sadanand Gawala @ Ramchandra Yadav R/V- Naya Tola, Jurawganj, P.S-
Kodha, Dist- Katihar, At present address- Phatapukur, P.S- Rajganj, Dist-
Jalpaigudi (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chhote Lal Mishra,Advocate

For the Opposite Party/s : Mr.Chandra Bhushan Prasad,APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Barauli P.S. Case No. 188 of 2022 under Sections 413, 414 and

120(b) of the Indian Penal Code and Sections 8(C), 18, 20, 21

and 22 of the NDPS Act, 1985.

As per the prosecution story, the police upon

information caught the accused persons and upon search, found

amongst other 1.95gms of smack from his pocket and



accordingly, seizure list was made, he along with other accused persons from whom also contraband materials were recovered were taken into custody, FIR lodged and resulting into his custody since 23.05.2022 (as stated in paragraph 12 of the bail application).

Learned counsel for the petitioner submits that under *bona fide* mistake, although the seizure was that of 1.95 gms, the same was written as 1.59 gms in paragraph 5 of the bail application for which he seeks apology. He further submits that the same is below the small quantity. He however, confesses that the petitioner do have criminal antecedent.

Taking into account the fact that the recovery/seizure is of 1.95 gms, is in custody since 23.05.2022, charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Gopalganj in connection with Barauli P.S. Case No. 188 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall mark his attendance to the concerned Police Station every month till the conclusion of the trial;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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