

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65726 of 2021

Arising Out of PS. Case No.-74 Year-2021 Thana- BARAUNI RAIL P.S. District- Begusarai

SUBODH KUMAR S/o Ramesh Bhagat R/o village- Rajaura, Ward No. 06,
P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 24-08-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 414/34 of the Indian Penal Code and
Section 20 and 22 of the N.D.P.S. Act.

Recovery is of 27 pieces of Alpraz 0.5 mg. Tablets along
with cash of Rs. 550/- from the possession of the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that it appears from the seizure list,
altogether 27 pieces of Alpraz 0.5 mg. Tablet and Rs. 550/- has
been recovered from the possession of the petitioner. He further
submits that the alleged recovery does not contain any narcotic
substance, therefore, the alleged seized tablets does not come



under the purview of N.D.P.S. Act. He further submits that no chemical analysis report is available on record to show that the recovered tablets contains any narcotic substance, which is prohibited. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 01.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and on the basis of material available in the case diary submits that the report received from the Superintendent, Sadar, Hospital, Begusarai reveals that the alleged tablets, which are said to be in possession of the petitioner, are dangerous for life. He further submits that the petitioner carries ten more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (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 N.D.P.S. P.S. Case No. 23 of 2021 arising out of Barauni Rail P.S. Case No. 74 of 2021 with the 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers 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 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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