

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55371 of 2022**

Arising Out of PS. Case No.-408 Year-2022 Thana- RAXAUL District- East Champaran

Om Prakash Gupta Son of Kaushal Kishor R/V- Mauje Ward No. 20, P.S-  
Raxaul, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      24-11-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
N.D.P.S. Case No. 76 of 2022, arising out of Raxaul P.S. Case  
No. 408 of 2022 lodged under Section 21(b) of the Narcotic  
Drugs and Psychotropic Substances Act, 1985.

As per the prosecution case, upon chase, the recovery  
of medicine has been made from the bus as well as one Vinay  
Yadav has been apprehended from whose possession 477 bottle  
each of 100ml containing N.D.P.S. material has been recovered  
from the bus and also 720 pieces of bottle containing 100ml  
each was recovered. The conductor of the bus intimated that he

has been given a mobile No. 7033347119 of which the concerned person shall receive the said article. The name of petitioner has also come in this case as police has also apprehended the present petitioner. But from his possession, only one mobile has been recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the alleged recovery of N.D.P.S. material has not been made from his possession. Learned counsel further submits that his antecedent is clean and he is in custody since 21.08.2022. Charge sheet has already been submitted.

Learned counsel for the State opposes the prayer for bail and submits that it is true that cough syrup was not recovered from the possession of the petitioner rather they were recovered from the possession of co-accused Vinay Yadav and from the bus Byahut Travels and neither driver nor conductor have disclosed the name of the petitioner.

Upon specific query, whether charge has been framed in this case or not, counsel submits that charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to

the petitioner. Therefore, the bail application of the petitioner is hereby rejected but liberty is hereby granted to the petitioner that he may renew his prayer for bail 2 months after framing of charge and the Trial Court is directed to release him on bail imposing its own condition so that he may not evade his appearance during trial.

With this observation, the bail application stands rejected.

**(Dr. Anshuman, J.)**

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