

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8483 of 2023

Arising Out of PS. Case No.-248 Year-2022 Thana- BIKRAMGANJ District- Rohtas

Abhishek Kumar @ Pawan Kumar S/O Akhilesh Singh R/V- Dharupur, P.S.-
Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 07.06.2022 in connection with N.D.P.S. Case No.22 of 2022, arising out of Bikramganj P.S. Case No. 248 of 2022, F.I.R. dated 07.06.2022 for the offences punishable under Sections 22(a)/27 of the N.D.P.S. Act.

3. Recovery is of Buprenorphine injection (2ml.)-1 ample, Pheniramine maleate injection (2ml.)- 9 ample and seven niddle from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that Buprenorphine injection (2ml.)-1



ample, Pheniramine malete injection (2ml.)- 9 ample and seven niddle were recovered from the possession of the petitioner. He further submits that without F.S.L. report the petitioner has implicated in false and fabricated case and there is non-compliance of Section 50 and 52 of the N.D.P.S. Act. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 07.06.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one. He further submits that the result of examination of F.S.L. does not disclosed any Narcotic substance.

6. Considering the aforesaid facts and circumstances, 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 the learned 9th Additional Sessions Judge, Rohtas at Sasaram in connection with N.D.P.S. Case No.22 of 2022, arising out of Bikramganj P.S. Case No. 248 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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