

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6883 of 2023

Arising Out of PS. Case No.-561 Year-2022 Thana- RAMPUR District- Gaya

RAJAN KUMAR Son of Ashok Prasad Resident of village - Gewal Bigha,
Munni Masjid, P.S.- Rampur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-07-2023 Heard learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
15.10.2022 in connection with Rampur P.S. Case No. 561 of
2022, F.I.R. dated 15.10.2022 registered for the offence
punishable under Sections 8/20 (b) (ii) A/25 of the Narcotics
Drugs and Psychotropic Substances Act.

3. Recovery is of altogether 10 Grams and 500
miligrams contraband substance from possession of the
petitioner.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from bare perusal of the FIR as well as the seizure list that



altogether 10 Grams and 500 miligrams contraband substance has been recovered from possession of the petitioner. Learned counsel for the petitioner submits that the recovered contraband is less than the commercial quantity but fairly submits that the same is more than the small quantity so there is no embargo under Section 37 of the N.D.P.S. Act to enlarge the petitioner on bail and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.10.2022.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is “MONOACETYL MORPHINE alongwith ALPRAZOLAM”.

6. Considering the aforesaid facts, recovered contraband is less than the commercial quantity and the petitioner is in custody since 15.10.2022, 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 learned Sessions Judge-cum-Special Judge, N.D.P.S. Act, Gaya in connection with Rampur P.S. Case



No. 561 of 2022,with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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)

Nitesh/-

U		T	
---	--	---	--

