

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7161 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- SIKTA District- West Champaran

RAVI KUMAR Son of Sunil Prasad R/V- Haripur, Bardahi, P.S- Sikta, Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
20.10.2022, in connection with Sikta P.S. Case No. 154 of 2022,
F.I.R. dated 19.10.2022 registered for the offences punishable
under Sections 414 of the Indian Penal Code and Section 21(b)
of the N.D.P.S. Act.

The case relates to recovery is of (1) Phenergan Vial
(total 49 vial) Promethazine hydrochloride injection, (2) Wrx
Noophin injection 2 ml Buprenorphine injection, 19 vial and (3)
Nrx Cerejack Diazepam injection.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.



that recovery has been made from the possession of co-accused person namely Raj Kumar and nothing has been recovered from the possession of the petitioner. He further submits that there is non compliance of Sections 42 and 50 of the N.D.P.S. Act and the police after investigation submitted chargesheet without FSL report against the petitioner and the petitioner is in custody since 20.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one in which he is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge cum Special Judge NDPS, Bettiah, West Champaran in connection with Sikta P.S. Case No. 154 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 witness, 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 antecedents, 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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