

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13096 of 2023**

Arising Out of PS. Case No.-128 Year-2022 Thana- DARBHANGA District- Darbhanga

Rajesh Kumar Rai S/O Late Kailash Ray Resident of village- Nagmandir,
Misha Tola, Ward No.- 18, P.S.- Town, (Kotwali O.P.), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 30.05.2022, in connection with Town (Kotwali O.P.) P.S. Case No. 128 of 2022, F.I.R. dated 29.05.2022 registered for the offences punishable under Sections 20/22 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 27(b)(ii) of the Drugs and Cosmetic Act, 1940.

The case relates to recovery of 240 tablets of ALP/RAZO-LAM ANXIT 0.5 mg.

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 without scientific report the petitioner has been implicated in the present case and there



is non compliance of Section 50 of the N.D.P.S. Act. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.05.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner but fairly submits that the recovered articles is under the prescribed limit and hence no case is made out under the N.D.P.S. Act as well as Drugs and Cosmetic Act.

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 Additional Sessions Judge-I, Darbhanga, in connection with Town (Kotwali O.P.) P.S. Case No. 128 of 2022, 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 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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