

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16101 of 2023

Arising Out of PS. Case No.-333 Year-2022 Thana- BARAUNI RAIL P.S. District- Begusarai

Niraj Kumar @ Nirhuua @ Terenam Son Of Late Amresh Mahto R/O Village-
Rudauli, P.S.- Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
15.09.2022 in connection with N.D.P.S. Case No. 38 of 2022
arising out of Barauni Rail P.S. Case No. 333 of 2022, F.I.R.
dated 14.09.2022 for the offences punishable under Sections
22(a) of the NDPS Act.

4. Recovery is of 15 strips of Alphrazolam tabelts.

5. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that from perusal of the F.I.R as
well as seizure list it appears that 15 strips of Alphrazolam



tabelts have been recovered from the possession of the petitioner and altogether 223 tablets have been recovered from the possession of the petitioner. He further submits that without the F.S.L. report, the petitioner has been implicated in this present and false case merely on the basis of suspicion. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 15.09.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the F.S.L. report suggests that “Alprazolam commercially known as ALPRAX is a Sedative and Psychotropic substances and induces sleep when ingested.” He further submits that apart from the aforesaid, the petitioner carries eight criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the eight cases.

7. 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 Additional Sessions Judge- I, Begusarai in connection with N.D.P.S. Case



No. 38 of 2022 arising out of Barauni Rail P.S. Case No. 333 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

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