

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19523 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- NAUGACHIA District- Bhagalpur

BHARAT JI @ ROUSHAN KUMAR Son of Shri Ram Kumar Singh Village
and mohalla - Rajendra Colony, P.S.- Naugachia, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
10.11.2022, in connection with Naugachiya P.S. Case No. 349 of
2022, F.I.R. dated 09.11.2022 registered for the offences
punishable under Sections 08/17(B)/22(B) of the N.D.P.S. Act.

The case relates to recovery of 270 grams of *Smack*.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that from a
bare perusal of the F.I.R. it appears that nothing has been
recovered from the conscious possession of the petitioner rather
recovery has been made from other co-accused persons. He
further submits that the name of the petitioner has been



transpired only on the basis of disclosure made by co-accused persons namely Rajan Singh and Manish Kumar and they stated that they have purchased the contraband from the petitioner and except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 10.11.2022.

The learned Additional Public Prosecutor for the State, has vehemently opposed the prayer for bail of the petitioner.

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, Bhagalpur in connection with Naugachiya P.S. Case No. 349 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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