

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20673 of 2023

Arising Out of PS. Case No.-936 Year-2022 Thana- NATHNAGAR District- Bhagalpur

Rakesh Kumar @ Rakesh Kumar Roy Son of Sri Rameshwar Roy Resident of
Village - Rannuchak, P.S.- Nathnagar, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Ms. Vaishnavi Singh, Advocates
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
01.12.2022, in connection with Nathnagar P.S. Case No. 936 of
2022, F.I.R. dated 30.11.2022 registered for the offences
punishable under Sections 20/32 of Narcotic Drugs and
Psychotropic Substances Act.

The case relates to recovery is of 60 Grams of
Brown Sugar, one weighing machine and some rupees.

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 it
appears from the F.I.R. as well as seizure list that altogether 60
Grams of Brown Sugar, one weighing machine and some rupees



have been recovered from the possession of the petitioner. He further submits that there is non compliance of Sections 41, 42 and 50 of the N.D.P.S. Act and the recovered contraband is less than the commercial quantity and hence there is no embargo of Section 37 of the N.D.P.S. Act to enalrge the petitioner on bail and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.12.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that the FSL report confirms that the recovered contraband is *Heroin* but fairly submits that the recovered contraband is less than the commercial quantity.

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-cum-Special Judge, N.D.P.S. Act, Bhagalpur in connection with Nathnagar P.S. Case No. 936 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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