

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20128 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- NAGAR District- Vaishali

RAJAN RAI Son of Ram Dahin Rai Resident of Village - Bagmali, P.S.-
Town Hajipur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.01.2023 in connection with Hajipur Town P.S. Case No. 68
of 2023, F.I.R. dated 29.01.2023 for the offences punishable
under Sections 8(c), 21(b) and 22 of the N.D.P.S. Act.

Recovery is of 19.360 grams of smack like contraband
substance from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedents and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and
nothing has been recovered from the conscious possession of
the petitioner, rather the police has planted the same and shown



the recovery from the possession of the petitioner. He further submits that the recovered contraband is less than the commercial quantity but more than the small quantity. Hence, there is no embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner. He further submits that without F.S.L. report, the police after investigation submitted the charge sheet against the petitioner on 23.03.2023 and the petitioner is in judicial custody since 31.01.2023.

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

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 Session Judge, Vaishali in connection with Hajipur Town P.S. Case No. 68 of 2023 , 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 witnesses, 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 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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