

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22679 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- BAISI District- Purnia

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1. Vishal Uraon Son of Munna Uraon @ Munan @ Munan Uraon
2. Anip Lal Uraon, Son of Rajendra Uraon, both Resident of Rambagh Driver Tola, Ward No. 30, P.S. - Sadar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-07-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Petitioners seek bail, who are in custody since 01.10.2022 in connection with Special (NDPS) Case No.70/2022, arising out of Baisi P.S. Case No.384/2022, dated 01.10.2022, for the offences punishable under Sections 8© and 21(b) of the N.D.P.S Act.
3. According to prosecution case, total 100 gram smack like substance has been recovered from the possession of the petitioners.
4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that altogether 100 gram of heroin has been recovered from the possession of the petitioners. He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act and without F.S.L. report the prosecution has filed the charge sheet against the petitioners. He further submits that the F.S.L. report is dated 09.03.2023 but the charge sheet has been submitted prior to the F.S.L. report. The petitioners are in custody since 01.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the recovered contraband is Heroin.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Purnea in connection with Special (NDPS) Case No.70/2022, arising out of Baisi P.S. Case No.384/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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