

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22022 of 2023

Arising Out of PS. Case No.-649 Year-2022 Thana- KOTWALI District- Patna

Rahul Kumar Son Of Sanjay Sao Resident Of Village- Gardanibagh, Road
No. 1, In Front Of Gali In Rameshwar Apartment, Ps- Gardanibath, Distt-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kotwali P.S. Case No. 649 of 2022, Spl. Case No. 198 of 2022
dated 10.10.2022, instituted for the offence punishable under
Sections 401, 414 of the Indian Penal Code and 8/20(b)(ii)(A)
of the N.D.P.S. Act.

3. The prosecution story, in short is that on 10.10.2022
at around 04:00 am, informant on the basis of information
raided flower mandi and apprehended petitioner along with two
co-accused persons. It is further alleged that on search, one
mobile phone and 3.71 gm of Brown Sugar like substance in 7
pudiyas were recovered from the possession of petitioner and



two mobiles and 04.24 gm of Brown Sugar like substance from possession of other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he is falsely implicated in this case. It is further submitted that the petitioner is of age about 24 years and nothing has been recovered from the conscious possession of the petitioner. He further submitted that search and seizure has been made by the police without following the provisions of the law. It is further submitted that the recovered 3.71 gm Brown Sugar like substance is less than the commercial quantity and more than small quantity. Lastly, it has been submitted that the petitioner is in custody since 11.10.2022, has three criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Spl. Judge (Additional Sessions Judge- IV, NDPS Act, Patna) in Kotwali P.S. Case No. 649 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. 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.

(Khatim Reza, J)

Sankalp/-

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