

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30231 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- KUNALI District- Supaul

SURAJ RAUT Son of Kumar Mehtar Resident of - Nagar Palika Rajbiraj,
P.S.- Rajbiraj, District - Saptari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sessions Case, excise no. 518 of 2023 arising out of Kunauli (Dagmara O.P.) P.S. Case No. 14 of 2023 for the offence punishable under Sections 30(a), 41, 52 Bihar Prohibition and Excise Act lodged on 10.2.2023 by the informant, Rabindra Kumar.

As per the prosecution story, the police during patrolling near border, saw two persons going towards Nepal on motorcycle, intercepted and recovered/seized some narcotic medicines (1. DIAZEPAM INJECTION 2ml 200 nos, 2. ABBUTT, RX PROMETHOZINE HYDROCHLORIDE INJECTION 2 ml 194nos 3. BUPRENOPHINE INJECTION IP 2 ml 193nos (4) CORES DX 100ml 5nos), one pulsar



motorcycle and Rs. 20000/- Indian currency and 8000 Nepali currency. Seizure list prepared and arrested the accused.

It is the case of the petitioner that he has falsely been implicated, signature has been taken on a plain paper which turned into a seizure list, is in custody since 11.2.2023 (para-12 of the petition).

Learned APP opposes the prayer but submits that it comes 24 mg which is less than commercial quantity.

Considering the aforesaid fact, his period of custody as also the fact that the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned J Special Judge (Excise) Court No.2, Supaul, in connection with Sessions Case, excise no. 518 of 2023 arising out of Kunauli (Dagmara O.P.) P.S. Case No. 14 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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