

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28856 of 2023

Arising Out of PS. Case No.-1028 Year-2022 Thana- ARA NAWADA District- Bhojpur

RITIK KUMAR KESHARI Son of Mr. Arun Kumar Keshari Resident of
village - Gaushganj, P.S. - Ara Town, Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Mr. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 04-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Ara
Nawada P.S. Case No. 1028 of 2022 dated 26.11.2022 registered
for the offence under Sections 21(b) and 29 of the N.D.P.S. Act.

Recovery is of 124.54 grams of heroin.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that nothing incriminating has been
recovered from the house or conscious possession of the
petitioner rather the alleged recovery has been made from the
house of one Khatai Yadav. He further submits that the name of
petitioner has been dragged in this case by way of disclosure of
the co-accused Ashish Kumar and Akash Kumar Singh who are



said to have been apprehended by the police at the spot. He further submits that the petitioner has not at all any concern with the alleged recovery and the co-accused. Moreover, co-accused, Nitish Kumar Singh, Sameer Bidyarthi @ Jhuna along with Nandan Kumar @ Raj Nandan Kumar, Akash Kumar Singh @ Akash Kumar and Ashish Kumar, have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.07.2023, 22.05.2023, 13.06.2023 and 15.06.2023 passed in Cr. Misc. No. 36007 of 2023, 22694 of 2023, 30083 of 2023 and Cr. Misc. No. 30818 of 2023, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 27.11.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the F.S.L. report confirms that the alleged contraband is heroin having components of Diacetylmorphine along with Alprazolam. He further submits that apart from that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-XIII -cum- Special judge, N.D.P.S. Act, Bhojpur at



Ara in connection with Ara Nawada P.S. Case No. 1028 of 2022
(NDPS Case No. 15 of 2023) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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