

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29236 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- KUMAR KHAND District- Madhepura

Rajeev Kumar Son Of Harikishor Yadav Resident Of Village- Narayanpur,
Ward No. 1, Ps- Jankinagar, Distt- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2023 Learned counsel for the petitioner is permitted to correct the paragraph-15 of the bail petition during course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since 04.03.2023, in connection with Kumarkhand P.S. Case No. 68 of 2023, F.I.R. dated 03.03.2023 registered for the offences punishable under Sections 20, 21, 22 of the N.D.P.S. Act.

The case relates to recovery of 20 Gms. of *Smack*.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case merely on the basis of disclosure made by apprehended co-accused persons namely Raju Kumar,



Jotis Kumar and Manas Kumar. He further submits that from a bare perusal of the F.I.R. it appears that nothing has been recovered from the conscious possession of the petitioner rather the alleged contraband is recovered from the apprehended co-accused persons. He further submits that only on the basis of disclosed made by co-accused persons the petitioner has been falsely implicated in the present case and the petitioner has no concern at all with the alleged recovery or the co-accused persons and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.03.2023.

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

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge 1st cum Special Judge, Madhepura in connection with Kumarkhand 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 witness, 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 antecedents, 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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