

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30213 of 2023

Arising Out of PS. Case No.-597 Year-2022 Thana- RAXAUL District- East Champaran

RAHUL CHOHADE SON OF AMAR MAHTO Resident of Village - Murli
Chauk Ward No.12, P.S. - Sripur, District - Parsa (Nepal)

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-08-2023

Heard the parties.

The petitioner is in custody in connection with N.D.P.S. Case No. 114 of 2022 arising out of Raxaul (Haraiya) P.S. Case No. 597 of 2022 for the offence under sections 22(b) of the Narcotics Drugs and Psychotropic Substances Act, 1985 of the Indian Penal Code lodged on 15.11.2022 by the informant, Jitendra Kumar.

As per the prosecution story, the Police in course of Patrolling found two persons fleeing away, apprehended, they were Nasima Khatoon and Rahul Chohada (the petitioner herein). On search, Codiwell cough syrup of 22 bottles from the bag of Nasima Khatoon and 30 bottles of Wincirex cough syrup from this petitioner were recovered beside 8 bottles of Codiwell cough syrup. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that though, he has been implicated in this case, in any case altogether it comes to 15.2 mg Codeine which is less than the commercial quantity.

Learned APP opposes the prayer for bail but concedes that it is below the commercial quantity.

Taking into account the aforesaid facts as also that he do not have criminal antecedent, is in custody since 16.12.2022, 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. 20,000/- (Twenty thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, NDPS, East Champaran, at Motihari, in connection with N.D.P.S. Case No. 114 of 2022 arising out of Raxaul (Haraiya) P.S. Case No. 597 of 2022 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/her 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 month for one year 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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