

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33662 of 2023**

Arising Out of PS. Case No.-158 Year-2023 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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RAUSHAN KUMAR SON OF RAMANADAN SHARMA VILLAGE  
-BARI SANKH PS -MUFFSIL, DISTRICT -BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shubhesh Pandey  
For the Opposite Party/s : Mr.Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      07-07-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
N.D.P.S. Case No. 16 of 2013 arising out of Muffasil P.S. Case  
No. 158 of 2023 registered for the offences punishable under  
Sections 25(1-B)a, 26, 35 of the Arms Act and 08/20(b)(ii)(B) of  
the N.D.P.S. Act.

As per prosecution case, there is alleged recover of  
two live cartridge from the possession of the petitioner. It is  
further alleged that 500 gm Ganja and other articles were  
recovered from the possession of other accused persons.

Learned counsel for the petitioner submits that  
petitioner is in custody since 18.03.2023. Petitioner bears no



criminal antecedent. Learned counsel further submits that the petitioner is innocent and has committed no offence as alleged in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner and as per seizure list recovery of alleged 500 gram ganja is made from other co-accused Mukesh Kumar. There is no independent witness of the alleged occurrence. There is violation of Section 100 of the Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai in connection with N.D.P.S. Case No. 16 of 2023 arising out of Muffasil P.S. Case No. 158 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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