

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34508 of 2023

Arising Out of PS. Case No.-67 Year-2023 Thana- NARPATGANJ District- Araria

SHATRUGHAN CHAUPAL son of Late budh Nr. Chaupal Resident of
Village- Bela, W. No. 8, Sharma Tola, P.S.- Narpatganj (Basmatiya O.P.)
District- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-07-2023 Learned counsel for the petitioner is permitted to make
necessary correction in para 12 of the bail petition which is filed
on behalf of the petitiower.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Narpatganj (Basmatiya) P.S. Case No. 67 of 2023 registered for
the offences punishable under Sections 341, 323, 353, 34 of the
Indian Penal Code read and Sections 21(c), 22, 23 of the N.D.P.S.
Act.

As per prosecution case, there is alleged recovery of
18 gram Brown Sugar (weight of brown sugar without plastic is 16
gram and weight of yellow coloured sachet of plastic in which
brown sugar was packed is 2 gram) was recovered from the



possession of the petitioner.

Learned counsel for the petitioner submits that as per the N.D.P.S. notification, small quantity of brown sugar is 5 gram and commercial quantity of brown sugar is 250 gram and the said recovery of brown sugar comes under intermediary quantity. There is no compliance of Section 100 of Cr.P.C. as well as Sections 42 and 50 of N.D.P.S. Act. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. He further submits that petitioner is in custody since 05.02.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions cum the



Special Judge N.D.P.S. Act, Araria in connection with Narpatganj
(Basmatiya) P.S. Case No. 67 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.

(iv) If the petitioner is found involved in similar
nature of offences in future, the learned trial court shall be at
liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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