

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33074 of 2023

Arising Out of PS. Case No.-579 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

Rupesh Sharma Son Of Nagendra Thakur R/O Village-Pahsaul, P.S.-Katra,
District-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Punam Shrivastava, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
21.09.2020 in connection with Town P.S. Case No. 579 of 2020,
F.I.R. dated 19.09.2022 for the offences punishable under
Sections 8, 20 and 22 of the N.D.P.S. Act.

4. Earlier the bail application of the petitioner was
rejected vide order dated 12.10.2022 passed in Cr. Misc. No.
16684 of 2022.

5. Recovery is of 750 gram of Charas.



6. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that it appears from the F.I.R. that altogether 750 gram Charas has been recovered from the possession of the petitioner and other co-accused persons. She further submits that the co-accused, namely, Prabhas Sharma has been granted bail by the Co-ordinate Bench of this Court vide order dated 24.01.2022 passed in Cr. Misc. No. 29561 of 2021, co-accused, namely, Basoo Kumar @ Basu Kumar @ Basu has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 21094 of 2021, co-accused, namely, Sanjay Vishwakarma has been granted bail by the Co-ordinate Bench of this Court vide order dated 18.01.2022 passed in Cr. Misc. No. 37954 of 2021 and co-accused, namely, Satwik Khadka has been granted bail by the Co-ordinate Bench of this Court vide order dated 30.06.2022 passed in Cr. Misc. No. 12213 of 2022. She further submits that the case of the petitioner is on similar footing of the case of the other accused persons and in view of the aforesaid, the petitioner may be enlarged on bail.

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



submits that from perusal of the F.I.R it appears that altogether 750 gram of Charas has been recovered from the house of the petitioner who was apprehended along with other accused persons and the F.S.L. report also confirms that the recovered contraband is Charas and the recovered contraband is the commercial quantity. Hence, there is embargo under Section 37 of the N.D.P.S. Act for grant of bail to the petitioner.

8. Vide order dated 17.05.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 18.05.2023 reveals that the charge has been framed on 25.08.2022 and out of 11 charge sheet witnesses, prosecution has not examined any witnesses as yet.

9. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 21.09.2020 and the other co-accused persons have been granted bail by different Co-ordinate Bench of this Court.

10. Considering the aforesaid facts and circumstances and the report of the learned Trial Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge I, Muzaffarpur in connection with Town P.S.
Case No. 579 of 2020, 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 witnesses, 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 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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