

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38704 of 2023

Arising Out of PS. Case No.-114 Year-2023 Thana- RUPAULI District- Purnia

Rupesh Kumar Ray S/O Late Arun Ray R/O Village- Dhamdaha, Ward No.-
07, P.S- Dhamdaha, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Rupauli P.S. Case No. 114 of 2023 registered for the offence
under Sections 8(c)/21(c)/25 of Narcotics Drugs and
Psychotropic Substance Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 28.04.2023.

5. The allegation against the petitioner is to have in
possession of 15 grams of contraband i.e. *smack* like substances
alongwith other co-accused persons and also found involve in
illegal activities arises out of seized contraband.



6. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of disclosure made by co-accused Rana Yadav and in furtherance of which no incriminating material including contraband was recovered from the possession of this petitioner as to connect him, *prima facie*, with present allegation as disclosed by apprehended co-accused Rana Yadav. It is further submitted that as recovered quantity from the co-accused is of 15 grams therefore, the implication of Section 37 of N.D.P.S. also not appears applicable in present case and moreover, this is not a case, where recovery of contraband was made from physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of the fact as no contraband i.e. *smack* as alleged was recovered from the physical possession of this petitioner including any



incriminating material as to connect him, *prima facie*, with alleged recovery in furtherance of confessional statement of co-accused Rana Yadav, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Rupauli P.S. Case No. 114 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, N.D.P.S. Act, Purnea/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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