

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38887 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- RAXOUL (R.T) District- Muzaffarpur

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Deepak Kumar Chaudhary Son Of Late Punyadeo Chaudhary Resident Of
Village- Bettiah Chhavni Passi Tola, Ps- Kalibagh (O.P.), District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

The petitioner seeks bail in connection with N.D.P.S.
Case No. 30 of 2022, arising out of Rail Raxaul P.S. Case No.
25 of 2022, registered for the offences punishable under
Sections 8(c) and 21(b) of the N.D.P.S. Act.

As per allegation, total 100 grams of brown sugar has
been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the seizure has not been made as



per the law as provided under the N.D.P.S. Act. He also submits that quantity of seized contraband is much less than the commercial quantity. The petitioner has been languishing in jail since 21.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail after framing of charge, if the charge has already not been framed, on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court, in connection with N.D.P.S. Case No. 30 of 2022, arising out of Rail Raxaul P.S. Case No. 25 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.



(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified



copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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