

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45811 of 2022

Arising Out of PS. Case No.-277 Year-2021 Thana- CHHATAUNI District- East Champaran

Rahul Verma Son Of Satendra Kumar Verma R/O Mohalla- Bhawanipur,
Zirat, Ward No.-22, P.S.- Chhatauni, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 21-07-2023 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 11.07.2021 in connection with NDPS Case No. 61 of 2021 arising out of Chhatauni P.S. Case No. 277 of 2021, F.I.R. dated 10.07.2021 for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act, Section 414 of the Indian Penal Code and Sections 8, 20(B)(C)(ii) of the NDPS Act.

4. This case relates to the recovery of one loaded country made pistol, two live cartridges and 980 grams of Charas.



5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R as well as seizure list it appears that one loaded country made pistol, two live cartridges and 980 grams of Charas have been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 50 of NDPS Act and without the F.S.L. report, the prosecution has filed the charge sheet against the petitioner. He further submits that the F.S.L. report suggest that none of the narcotics drugs and psychotropic substances covered under the NDPS Act could be detected in exhibit(s) 1 which was sent for the forensic lab test.

Learned counsel for the petitioner submits that in view of the F.S.L report, no case is made out the NDPS Act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.07.2021.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the



cases.

7. Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge cum Special Judge NDPS Act, East Champaran, Motihari in connection with NDPS Case No. 61 of 2021 arising out of Chhatauni P.S. Case No. 277 of 2021, 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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