

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47331 of 2022

Arising Out of PS. Case No.-623 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Prakash Ram @ Prakash Kumar Ram @ Prakash Sahani @ Prakash Kumar
S/O Ram Kishun @ Ram Kishun Ram Resident of Village- Lakripatti,
Gulabbagh, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 8(c), 21(b) and 22(b) of the
N.D.P.S. Act.

Recovery is of 21 grams of Smack/Brown Sugar
and 4 OCB slim rapper.

Learned counsel for the petitioner submits that the
petitioner has clean antecedents and he has been falsely
implicated in the present case on the basis of the disclosure
made by co-accused persons namely Banti Kumar. He further
submits that it appears from the F.I.R. as well as seizure list that
nothing has been recovered from the possession of the petitioner



rather recovery has been made from co-accused Banti Kumar and the recovered contraband is 21 grams of Brown Sugar which is not recovered from the possession of the petitioner and the petitioner was not arrested at the spot. He further submits that the petitioner is in custody since 28.05.2022.

Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that FSL report confirms that the recovered contraband is Brown Sugar and FSL report reveals that “ *Heroin or Brown Sugar, a diacetyl derivative of Morphine was detected in the dark brown solid substances and black solid substances contained in the polythene pudiya* ” but learned APP for the State fairly submits that the petitioner was not arrested at the spot and nothing has been recovered from the possession of the petitioner.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Suppl. Special (NDPS) Case No. 56 of 2021 arising out of Suppl. K. Hat (Sahayak) P.S. Case No. 623 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 witness, 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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