

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47965 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- TEGHRHA District- Begusarai

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Bappa Rai @ Raja @ Bappa Roy Raja @ Bappa Roy Son Of Vijay Rai @
Vijay Roy @ Bijay Roy @ Bijoy Roy Resident Of Village- Naya Nagar,
Dularpur, Ward No. 11, Ps- Teghra, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
10.06.2023, in connection with N.D.P.S. Case No. 24 of 2023,
arising out of Teghra P.S. Case No. 150 of 2023, F.I.R. dated
08.05.2023 registered for the offences punishable under
Sections 21, 22 of the N.D.P.S. Act.

3. As per prosecution case, total 250 tablets of
Nitracel-10 have been recovered from the possession of co-
accused petitioner namely Md. Zubair Alam who stated that he
was carrying the said medicines to deliver to the person whose
mobile no. is 8210030771.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the petitioner is not named in the F.I.R. only mobile number of the petitioner was mentioned in the F.I.R. and on the basis of mobile number the petitioner was apprehended in the present case. He further submits that from a bare perusal of the F.I.R. as well as seizure list it appears that no incriminating article has been recovered from the possession of the petitioner rather recovery has been made from Md. Zubair Alam and the said Zubair Alam disclosed that he was going to deliver the recovered contraband to the petitioner. He further submits that the said Md. Zubair Alam has been granted bail by a Coordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 43714 of 2023 and the petitioner is in custody since 10.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. 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 Sessions Judge, Begusarai in connection with N.D.P.S. Case No. 24 of 2023 arising out of Teghra P.S. Case No. 150 of 2023, 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 antecedents, 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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