

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54589 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- RAXAUL District- East Champaran

Raja Babu @ Raja @ Satyadev Kumar, S/O Jagdish Sah @ Ratan Prasad
Resident Of Village- Mauze- Ward No- 20, Raxaul, Police Station- Raxaul,
Distt- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Asif Kalim, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Asif Kalim, learned counsel appearing
on behalf of the petitioner and Mr. Md. Aslam Ansari, learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in
connection with Raxaul P.S. Case No. 401 of 2022, registered
under Section 21(b) of the NDPS Act.

3. The prosecution case, in brief, is that huge
quantity of prohibited drugs of different commercial names,
containing certain quantity of methyl morphine, have been
recovered from the house of co-accused Rambharosh Prasad.

4. Learned counsel appearing on behalf of the
petitioner submitted that Police officer was not authorized to
conduct raid and lodge F.I.R. for the offences mentioned under
chapter IV of the Drugs and Cosmetics Act. He further submits



that petitioner is not named in the F.I.R. and the alleged recovery has been made from the house of co-accused Rambharosh Prasad. The specific allegation against the petitioner is that he had made certain phone calls to him being neighbour. The petitioner is not involved in selling of any prohibited items. He further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent. He further submitted that similarly situated co-accused namely Jitendra @ Jitendra Prasad @ Jitendra Kumar has already been granted pre-arrest bail by a co-ordinate Bench of this Court on 16.05.2023 passed in Criminal Miscellaneous No. 11167 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation and the material available on the record and the fact that the other co-accused has already been released on pre-arrest bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Special Judge-cum-1st Additional Sessions Judge, East Champaran at Motihari in connection with Raxaul P.S. Case No. 401 of 2022 (NDPS Case No. 102/2022), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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