

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62164 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

CHHOTU @ RAJAN KUMAR Son of Ram Niranjana Singh R/o vill -
Pokhariya, ward no. 39, P.S. - Town Thana, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. Learned counsel for the petitioner is permitted to
make necessary correction in para-10 of the bail petition in
course of the day.

3. The petitioner seeks bail, who is in custody since
20.05.2023 in connection with NDPS Case No. 26 of 2023,
arising out of Begusarai Town P.S. Case No. 324 of 2023, F.I.R.
dated 18.05.2023 registered for the offence punishable under
Sections 8/20/22(9) of N.D.P.S. Act.

4. Recovery is of 01 Gram of Smack.

5. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in the present case. Further submits that from a bare



perusal of the FIR as well as the seizure list that 01 Gram of Smack has been recovered from possession of the petitioner and there is non-compliance of Section 50 of NDPS Act and the recovered smack is less than the small quantity and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.05.2023.

6. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but he fairly submits that the recovered contraband is less than the small quantity.

7. Considering the aforesaid fact, 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 learned Additional Sessions Judge-I, Begusarai in connection with NDPS Case No. 26 of 2023, arising out of Begusarai Town P.S.Case No.324 of 2023, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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